NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microfilm Publication M970

LETTERS RECEIVED BY THE

DEPARTMENT OF JUSTICE

FROM MISSISSIPPI

1871-1884

Roll 4

Source-Chronological File
Southern Mississippi
Nov. 1877-Aug. 1884

and

Miscellaneous Correspondence
1877-82

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1974

INTRODUCTION

On the four rolls of this microfilm publication are reproduced unbound letters, with their enclosures, that were received by the Department of Justice from the State of Mississippi during the period January 1871-August 1884. The series of records of which this correspondence forms a part is known as the source-chronological files of the Justice Department. This publication also includes a register of correspondence relating to Mississippi and several series of miscellaneous letters, telegrams, and newspaper clippings pertaining to Mississippi affairs, filed separately from the correspondence in the source-chronological files.

The Department of Justice grew out of the Office of the Attorney General, created by the Judiciary Act of 1789. The act assigned limited responsibilities to the Attorney General. He was required to conduct all suits involving the United States before the Supreme Court and to render opinions upon questions of law at the request of the President and heads of executive departments. The enactment of legislation, as well as reorganization within the executive branch of Government, resulted in the assignment of additional legal and administrative functions to the Attorney General's Office in succeeding years. Until 1870, however, the various Attorneys General continued to operate under the limited mandate contained in the Judiciary Act of 1789, and authority over legal matters involving the United States became dispersed throughout the executive branch. Some of the departments succeeded in establishing their own legal offices, which were independent of the Office of the Attorney General. In addition, lack of authority hampered the Attorney General in exercising effective control over the conduct of his subordinates, the U.S. attorneys and marshals resident in the various Federal judicial districts. Supervision of these officers was divided among several departments.

Efforts to reorganize this cumbersome system of legal administration were made during and after the Civil War, but no fundamental reforms occurred until June 22, 1870, when the Congress enacted legislation establishing the Department of Justice. This act consolidated legal administration within the newly created Justice Department and elevated the Attorney General to the position of chief administrator. By its terms the Attorney General was empowered to regulate the conduct of subordinate legal officers. The supervision of their accounts was transferred to his agency from the Interior Department. Other executive departments were forbidden to employ attorneys at the expense of the United States, and the Department of Justice was assigned responsibility for attending to legal matters on their behalf. Some of the law offices established within other departments were transferred to the Justice Department and subordinated

to the Attorney General. The centralization of legal administration within the Justice Department clarified the authority of the Attorney General and greatly increased the powers of his office and the scope of his responsibilities. In recognition of this, the act of 1870 also created the position of Solicitor General and authorized the appointment of assistants to the Attorney General.

The establishment of the Justice Department also resulted in the adoption of new recordkeeping methods. At the beginning of 1871 the Department began to use a source-chronological filing system, designed to assure greater control over incoming correspondence relating to legal matters. Under this method, incoming correspondence was sorted and arranged by "source"--either by governmental unit (President, Senate, House, executive departments, etc.) or by judicial district (States, Territories, and the District of Columbia). The records maintained in this fashion are termed the source-chronological files of the Justice Department. Only that portion of the files relating to the judicial districts of Mississippi between January 1871 and August 1884 has been included in this microfilm publication. Correspondence received by the Justice Department after August 1884 was maintained by a different filing method and therefore is not reproduced in this publication.

The State of Mississippi in 1871 contained two judicial districts. The Northern Judicial District of Mississippi consisted of the counties of Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Webster, Winston, and Yalobusha. The remainder of the State comprised the Southern District of Mississippi. By an act of June 15, 1882, these districts were realigned, with Kemper and Neshoba Counties being moved to the Northern District and Leflore County to the Southern District. The source-chronological file for Mississippi also is divided geographically, with correspondence from the Northern District filed separately from that of the Southern.

The letters and enclosures contained in the source-chronological file for Mississippi were received from Federal officers, State and local officials, and private citizens. The correspondence covers a variety of subjects connected with legal matters: Reconstruction conflicts; civil rights; voting rights; internal revenue and customs; regulation of trade, commerce, and transportation; special classes of claims involving the United States; the defense and supervision of public officers; protection of the rights and property of the United States; and other subjects. The correspondence also covers such administrative matters as the submission of statistical reports, authorizations of expenditures, retention of assistant counsel, and the conduct of

litigation. Following these introductory remarks is a list (appendix 1) of Federal officials--judges, district attorneys, and marshals--who held office in the judicial districts of Mississippi between 1871 and 1884. Appendix 2 is a list of assistant district attorneys whose appointments were authorized by the Attorney General, with a brief description of their official responsibilities. Much of the official correspondence of the district attorneys, their assistants, and marshals is located in the source-chronological file for Mississippi.

According to the recordkeeping practice of the time, letters received were sorted on their arrival at the Justice Department and entered into registers by date of receipt. The entries in the registers noted the name or title of the correspondent, the date and subject of his letter, the judicial district in which it originated, and the action taken by the Department upon it. This information was also entered on a printed jacket in which the letter was placed for filing. The register served as a guide to identify and locate correspondence, while the jackets served as abstracts of the contents of the correspondence.

The register of letters received for Mississippi has been reproduced and included as a finding aid in this publication. In preparing this microfilm publication the National Archives and Records Service (NARS) has checked the register entries against the items located in the source-chronological file for Mississippi. A checkmark in the "action taken" column of a register entry indicates that an item (or an identifiable portion of it, such as a covering jacket) was located in this file and arranged for filming. The checkmarks in the register therefore serve as a guide to the items reproduced in this microfilm publication as part of the source-chronological file for Mississippi.

A number of items entered into the register were not located in the source-chronological file for Mississippi. Failure to locate an item in this file does not necessarily indicate that it is missing. Some registered communications, including a number that originated with Federal officials and private citizens in Mississippi, were received from other Government offices and agencies. Such communications usually are located in the source-chronological file for the office or agency from which they were received or forwarded. Other registered communications were referred to other agencies by the Justice Department and eventually became incorporated in the files of those agencies. Still others were removed and filed in different series of Justice Department records.

Entries in the register of letters received offer some clues about the movement and possible location of these fugitive items. The entries generally designate the source of communications by identifying the officer or agency from which communications were forwarded. Moreover, the register includes an "action taken"

column with entries that usually designate the officer or agency to which communications were referred by the Justice Department. Communications removed and filed in other series of Justice Department records are identified similarly in the "action taken" column by file number or title of series. For example, the designation "appointments" indicates that the communication was moved to a series of records relating to the appointment of Federal judicial officials. A case file symbol, expressed by a number over a date stated by year (e.g., "F. 3787/1886"), indicates that the communication was moved to the year files, a series of letters-received subject files. Where the register entries suggest that a communication is located in another series of records of the Justice Department or of another agency, NARS has not searched the records to locate the communication.

In this microfilm publication individual items in the source-chronological file are arranged chronologically as received at the Justice Department, in accordance with the practice generally followed in entering such items in the register of letters received. When two or more items have the same date of receipt, they are arranged by the date they were written. Identification jackets for each item are filmed before the communication itself, and covering letters are filmed before enclosures. In preparing the file for filming, NARS discovered that a few items lacked identification jackets and/or register entries. Items lacking identification jackets were furnished duplicate jackets, designated as "dummy jackets." A chronological list of items lacking register entries has been inserted into the register at the conclusion of the regular entries. The list is meant to serve as a guide to unregistered correspondence that was arranged and filmed according to the procedures adopted for the remainder of the source-chronological file. Finally, administrative correspondence involving requests and receipts for postage stamps was removed from the file before filming, after deciding that it was of insufficient research value to justify inclusion.

Together with the source-chronological file for Mississippi and its register of letters received, this microfilm publication includes two series of loose letters, telegrams, and newspaper clippings pertaining to Mississippi affairs. These series, collectively, are described as miscellaneous correspondence and are arranged by subject as listed below:

Miscellaneous correspondence relating to:
(1) Investigation of the "Kemper County Massacre," June 29-August 8, 1877.
(2) Congressional elections of 1882, October 31-November 8, 1882.

A more detailed description of the contents and physical form of the records in each of these series is contained in the notes located at the beginning of roll 4.

The records in these two series originally were received by NARS from the Justice Department among a loose assortment of unidentified legal materials. They have been rearranged by subject, time period, and physical form as two series of records. Some items in the series are directed to the Attorney General, and a few of them are stamped as having been received at the Department of Justice. No entries, however, have been located for any of them in the departmental indexes or registers for the period 1871-84. Since the records pertain to subjects covered by correspondence in the source-chronological file for Mississippi, NARS decided to include them in this microfilm publication as several miscellaneous series of records relating to Mississippi affairs.

The records reproduced in this microfilm publication are part of the records in the National Archives of the United States designated as General Records of the Department of Justice, Record Group 60. Among related records in this record group are additional source-chronological files covering incoming correspondence, each of which is accompanied by a register of letters received. Copies of outgoing correspondence are contained in several series of letters-sent volumes, arranged by class of persons to whom the letters were directed. These series of letters-sent volumes have been reproduced by NARS in several separate microfilm publications: M699, *Letters Sent by the Department of Justice: General and Miscellaneous Letters, 1818-1904*; M700, *Letters Sent by the Department of Justice Concerning Judiciary Expenses, 1849-1884*; M701, *Letters Sent by the Department of Justice: Instructions to U.S. Attorneys and Marshals, 1867-1904*; M702, *Letters Sent by the Department of Justice to Executive Officers and to Members of Congress, 1871-1904*; and M703, *Letters Sent by the Department of Justice to Judges and Clerks, 1874-1904*. Notations of "action taken," entered both in the registers and on the identification jackets of items in the source-chronological file, supply the dates on which individual letters were answered. These dates can serve as a guide in locating particular replies among the various series of letters-sent volumes.

Other related records among the records of the Department of Justice include a series of subject indexes to the source-chronological files, 1871-84, covering both letters received and letters sent; a series of incoming correspondence, accompanied by registers, relating to judiciary expenses, 1849-89, arranged by source and thereunder chronologically; and a series of appointment papers, 1853-99, arranged by source, thereunder by Presidential administration, and thereunder by candidate for appointment.

Other records relating to legal matters involving Federal judicial officials in Mississippi are in Records of District Courts of the United States, Record Group 21, Records of the

Office of the Pardon Attorney, Record Group 204, and Records of the Solicitor of the Treasury, Record Group 206.

This microfilm publication, including the introduction and related material, was prepared by Henry J. Wolfinger.

APPENDIX 1

FEDERAL OFFICERS FOR THE JUDICIAL DISTRICTS OF MISSISSIPPI, 1871-84

Northern Mississippi

U.S. District Judge	Date of commission[1]	Oath of office[2]
Robert A. Hill (vice Samuel J. Gholson, resigned January 10, 1861	May 1, 1866 (P)	May 9, 1866
U.S. District Attorney		
Guilford Wiley Wells (vice Edwin Hill, resigned)	July 14, 1870 (P)	July 30, 1870
Guilford Wiley Wells (reappointment)	June 11, 1874 (P)	--
Henry B. Whitfield (vice Wells, resigned)	Jan. 19, 1876 (P)	--
Thomas Walton (vice Whitfield, resigned)	May 2, 1876 (P)	June 5, 1876
Green C. Chandler (vice Walton, deceased)	Oct. 19, 1878 (T)	Nov. 18, 1878
	Dec. 12, 1878 (P)	Feb. 11, 1879
Green C. Chandler (reappointment)	-- (T)[3]	Dec. 17, 1882
	Feb. 12, 1883 (P)	Feb. 25, 1883
U.S. Marshal		
James Harrison Pierce (vice A. Worley Patterson, removed)	July 13, 1870 (P)	[Aug. 1, 1870]
James Harrison Pierce (reappointment)	June 17, 1874 (P)	[July 15, 1874]
Joseph L. Morphis (vice Pierce, resigned)	July 23, 1877 (T)	[Aug. 1, 1877]
	Nov. 12, 1877 (P)	[Jan. 1, 1878]
Joseph L. Morphis (reappointment)	-- (T)[4]	[Nov. 17, 1881]
	Feb. 17, 1882 (P)	[Mar. 22, 1882]

Southern Mississippi

U.S. District Judge		
Robert A. Hill (vice Samuel J. Gholson, resigned January 10, 1861)	May 1, 1866 (P)	May 9, 1866

U.S. District Attorney

E. Philip Jacobson (vice Armistead Burwell, resigned)	May 20, 1870 (P)	June 1, 1870
Felix Brannigan (vice Jacobson, resigned)	June 9, 1873 (T) Dec. 18, 1873 (P)	July 1, 1873 --
William Wirt Dedrick (vice Brannigan)	Mar. 16, 1875 (P)	Mar. 18, 1875
Luke Lea (vice Dedrick)	July 18, 1876 (P)	July 31, 1876
Luke Lea (reappointment)	July 19, 1880 (T) Jan. 14, 1881 (P)	July 24, 1880 Feb. 10, 1881

U.S. Marshal

Michael Shaughnessy (vice Elijah a. Peyton)	Dec. 22, 1870 (P)	[Jan. 23, 1871]
Robert J. Alcorn (vice Shaughnessy, resigned)	June 9, 1873 (T)	[June 24, 1873]
Leroy S. Brown (vice Alcorn, suspended)	July 30, 1873 (T) Dec. 18, 1873 (P)	[Aug. 29, 1873] [Jan. 28, 1874]
John L. Lake, Jr.[5] (vice Brown, resigned)	June 23, 1874 (P)	[July 15, 1874]
Thomas W. Hunt (vice Lake, resigned by request)	Sept. 1, 1877 (T) Nov. 12, 1877 (P)	[Oct. 1, 1877] [Nov. 30, 1877]
William C. Raum (vice Hunt, resigned)	Oct. 26, 1881 (P)	[Nov. 9, 1881]

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[1](T) designates a temporary commission, issued during a recess of the Senate. (P) designates a permanent commission, issued upon the Senate's confirmation of a nomination.

[2]Some oaths of office are lacking. Dates within brackets are based on sources, other than original oaths of office, that indicate the date on which an appointee assumed the duties of his office.

[3]Since his term of 4 years had expired, Chandler was forwarded a temporary appointment, issued through a Justice of the Supreme Court of the United States, on December 15, 1882.

[4]Since his term of 4 years had expired, Morphis was forwarded a temporary appointment, issued through a Justice of the Supreme Court of the United States, on November 17, 1881.

[5]Lake was suspended from office on August 18, 1876, and William B. Redmond was appointed as his successor. On September 18, 1876, the Attorney General directed that Redmond's commission be withheld, and Lake was reinstated. It does not appear that Redmond assumed the office of marshal.

APPENDIX 2

ASSISTANT U.S. ATTORNEYS
Northern Mississippi, 1871-81

Appointee	Date of appointment	Terms of appointment
Bradner W. Lee	Dec. 15, 1871	Regular salaried assistant: initial compensation of $2,000 per annum. Reappointed in 1872 and 1873 and served until December 1, 1877, when he resigned.
William F. Dowd	Mar. 13, 1872	Special assistant: prosecution of members of the Ku Klux Klan indicted under the Enforcement Acts. Served until April 16, 1873, when the Department dispensed with his services.
Orlando Davis	Nov. 27, 1877	Regular salaried assistant: initial compensation of $1,000 per annum. Served until January 23, 1878, when his resignation was accepted.
Henry C. Niles	Dec. 6, 1880	Special assistant: prosecution of cases involving violations of the election laws, with compensation of $200 per month for 2 months. Reappointed April 16, 1881, for an additional 2 months, beginning June 1, 1881.

Southern Mississippi, 1871-81

Appointee	Date of appointment	Terms of appointment
Felix Brannigan	Nov. 15, 1871	Regular salaried assistant: initial compensation of $2,000 per annum. Reappointed in 1872 and served until his appointment as U.S. Attorney.
William H. Parker	Jan. 7, 1874	Regular salaried assistant: initial compensation of $2,500 per annum. Served until June 30, 1874, when he resigned.
James M. McKee	July 8, 1874	Regular salaried assistant: initial compensation of $2,000 per annum. Served until November 30, 1875, when the Department dispensed with his services.
E. E. Baldwin	Oct. 23, 1875	Special assistant: suit on Treasury transcript in the case of *United States* v. *Fidelio L. Hunt et al.* (former Collector of Internal Revenue, 2d District, Mississippi).
James M. McKee	Jan. 15, 1876	Regular salaried assistant: initial compensation of $2,000 per annum. Apparently served until July 1876.
Harvey R. Ware	July 11, 1876	Regular salaried assistant: initial compensation of $2,000 per annum. Served until March 31, 1882, when he was reappointed and his duties were expanded to cover both judicial districts of Mississippi.

Appointee	Date of appointment	Terms of appointment
George C. McKee	Dec. 3, 1877	Special assistant: civil and criminal proceedings necessary to protect U.S. timber lands from depredations and to recover property taken by depredators. Served until January 1878 when his appointment was terminated.
James L. Bradford	Feb. 13, 1878	Special assistant: civil and criminal proceedings necessary to protect U.S. timber lands from depredations and to recover property taken by depredators. Served until May 1878.

Northern and Southern Mississippi, 1882-84

Appointee	Date of appointment	Terms of appointment
Harvey R. Ware	Mar. 31, 1882	Regular salaried assistant: initial compensation of $1,200 per annum. Served until March 15, 1885, when the Department dispensed with his services.
James R. Chalmers	Dec. 9, 1882	Special assistant: prosecution of cases involving violations of the election laws during the previous congressional election in Mississippi, with compensation at the discretion of the Attorney General and not to exceed $1,000. Apparently served until February 1883.

NOTES ON ROLL 4

The miscellaneous correspondence reproduced in this publication is divided into two series, as described below:

1) A series of three documents relating to the "Kemper County Massacre." W. W. Chisolm, Cornelia Chisolm, Johnnie Chisolm, John P. Gilmer, Angus McLellan, and David Rosser were murdered in and around DeKalb, Kemper County, Miss., on April 29, 1877. From these circumstances the killings became known as the "Kemper County Massacre." The documents in this series consist of a report, with accompanying evidence, of Special Agent G. K. Chase, investigating the circumstances surrounding the murders, dated June 29, 1877; an undated legal memorandum of Felix Brannigan, offering an opinion on whether the murders involved a breach of Federal statutes; and a copy of a letter from Attorney General Charles Devens to Luke Lea, U.S. Attorney for Southern Mississippi, recommending a course of action in regard to the prosecution of those implicated in the murders, dated August 8, 1877.

2) A series of loose letters and telegrams relating to the 1882 congressional elections in Mississippi. The correspondence concerns reports of threatened fraud and Federal efforts to supervise the election. The correspondence covers the period October 31-November 8, 1882, and is arranged in chronological order.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Roll 4

Target 1

Source-Chronological File
Southern Mississippi

Nov. 1877-Aug. 1884

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Nov 9, 1877.

Dated , 1877

From C. F. Griffin W. Denny Bey-
-cier & Desmet A. C. Daniel & others.

SUBJECT.

Telegram rel. to seizure of
cpgs by deputy Marshal
Laing on Pascagoula
River & requesting aid

ACTION.

To US atty So. Dist. Miss.
Nov. 8. 1877

267

No. 44.

HALF RATE MESSAGES.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.
Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of **Unrepeated Messages.**
This message is an **UNREPEATED MESSAGE** and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Sec'y. 26 WILLIAM ORTON, Pres't.

Dated Pascagoula Miss 187

Received at Miss 12 5th 8th

To Senator L Q C Lamar

& Hon E C Hooker

Washn

READ THE NOTICE AT THE TOP.

J. J. Gainy as deputy Marshal Southern District Mississippi Claims to have seized hundred thousand logs on Pascagoula Rivers has placed Guards over East Pascagoula bridge who interfere with passage Vessels & is indiscriminately seizing logs at mill forbidding loading Vessels & ordering Mills to stop under a pretended Segnestration writ which is based upon a mere petition of U S signed by Luke Lee

265

No. 44.

HALF RATE MESSAGES.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.
Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of **Unrepeated Messages.**
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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

READ THE NOTICE AT THE TOP.

Dated 187

Received at

To (2 Lamar & Hooker)

Dist atty Entitled united states Vs John Manning & others named & a large Number of persons unknown which petition only alleges in General terms that defendants unlawfully have a large number of pine logs charcoal & other property of united states which petitioner believes defendants and carry out of Jurisdiction of the Court and will Conceal &c - No value is named & no particular discription of property. This petition is addressed to Judge Hill & sworn to and is the only foundation of the writ. which follows the General allegations

157 269

No. 44.

HALF RATE MESSAGES.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.
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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

READ THE NOTICE AT THE TOP.

Dated _____ 187

Received at _____

To J Lamar Hooker

of petition in terms Viz; a large number of pine log lumber charcoal and other property ↑ c - Commanding that same be seized ↑c until further order of Court reciting that said property was taken from lands of United States & now in possession of Defendants - We are not parties defendant to proceedings yet without any statement on oath of probable cause our property is seized & Business broken up at ↑ this Great loss to ourselves Community. Deputy Marshall understood to be without pecuniary responsibility ↑ without

245 270

No. 44.

HALF RATE MESSAGES.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

READ THE NOTICE AT THE TOP.

Dated _____ 187

Received at _____

To (H Lamar & Hooker)

interference at Washington our losses will be irreparable - Please see and act with Senator Morgan of Ala & Jones of Florida in our behalf We ask only the rights of Citizens under Legal Process and laws of the Country

E. F. Griffin
W. Denny.
Bercier & Desmet
a C Danner & others

298 Pd Jr rate
1197
14 extra

84

271

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received Nov 10, 187 7.

Dated " " , 187 .

From L. J. Lea.
U. S. Attorney.

SUBJECT.

Telegram stating that Court has ordered Marshal to release all timber &c, not found when seized in possession of parties named in writs of sequestration &c.

ACTION.

Answered Nov 10. 1877.

Genl

272

SEND THE FOLLOWING TELEGRAM

Aug 17 77

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in the transmission or delivery of Unrepeated Messages. This message is an UNREPEATED MESSAGE, and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated Jackson Miss Nov 10 187 7

Received at N. E. Cor. 14th St. and Penn Ave., Washington, D. C. 3358

To The Atty Genl

W D C

READ THE NOTICE AT THE TOP.

Court Has ordered marshal to release all timber & lot found when seized upon parties named in writ of sequestration and will think on monday quash the writ as illegally issued

L Lea

U S atty

44 Coll St Rm

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received Nov 12, 1877.

Dated " 2, 1877.

From John D. Freeman.
& others.

SUBJECT.

Application for dismissal of case against Col. S. M. Mack &c.

ACTION.

File

274

Monticello Miss
Nov. 2nd 1877

Paul J. Z. George
My Dear Sir.

Col L. M. Mirky Columbus has consulted with me about the use to be made of the documents enclosed herein. I have advised him to enclose it to you who I know to Judge Lea & Judge Hill. I think Judge Hill will order a new process on it; but if not he will see counsel the Atty Genl of the U. S. to do so. Regarding you as leading counsel for Col Mirk and confiding in your judgment and prudence Col Mirk submits the matter to you.

Anything I can do you can command.

Will be home in a day or two

Your friend

John D. Freeman

Macon Miss Oct 31st 1877.

To Hon Charles Devins.
Atty Genl U.S.
Washington City
D.C.

The undersigned respectfully states that he has learned, that a large number of the Citizens of Kemper County, at the November Term 1876 of the U.S. District Court, for the Southern District of Mississippi were indicted for an alleged violation of the enforcement laws of Congress. Among others I learn that Col. S. M. Muse of Lowndes County, was indicted

I desire respectfully to say, that I know Col Muse intimately and well, that I was present, when the "intimidation" alleged took place, that I was at the Home of Judge Chisolm on that day, and that I am satisfied from what I saw and know, that Col Muse took no part, nor did he do any thing calculated to excite the vast assemblage present to any act of Wrong

I beg leave to say that Col Mark is one of the oldest Lawyers and most distinguished public men ("though no office seeker") in Miss - I suppose that he does no injustice in public or in private to men who differ with him politically,

I would therefore as a Republican, (which I have always been) in the interest of peace order and tranquility request and petition, that you order Hon Luke Lea, U.S. Dist atty. for the Southern Dist of Mississippi to dismiss or "Nol pros" the Case against Col. S. M. Mark

And your petitioner is
Very Respectfully,
E. A. J. McKinney.
Deputy Collector Int Rev.
6th Div Dist Miss.

The undersigned Thomas Christian Chancellor of the 6th Chancery District of the State of Miss under the administration of Gov. Alcorn, and as such became well acquainted with Major E A J McKinney whose name is attached to the above statement who was during my whole term clerk of the Chancery Court of

the above statement who was during my Whole term clerk of the Chancery Court of Noxubee County one of the Counties composing my Chancery District. I know that he has always been considered a zealous and staunch republican.

I am also well acquainted with Col. S M Mick a distinguished Member of the Bar in this State - an able & zealous Democrat and public political orator.

But in my opinion a gentleman who would seem to be engaged in any violation of law, or who would in any way attempt to abridge the rights and privileges of those differing with him in political opinion.

Thomas Christian
Ex Chancellor

The undersigned one of the Circuit Judges of the 6th Judicial District of the State of Mississippi, by the appointment of Governor James L. Alcorn, would respectfully say to the Atty Genl of the U. S. that I have known Col S. M. Mick from his boyhood, and fully concur in the remarks above written by Ex Chancellor Christian, in relation to him, and respectfully join in the petition, asking for a dismissal of the prosecution against him.

Meridian Miss
Nov 2 1877

Robt Leachman
Circuit Judge

The foregoing application having been presented to me for my endorsement I must respectfully decline making any statement in relation to it for the above reason that the case if tried will most probably have to be tried before me

R A Hill
U S Judge 9th

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received Nov 12, 187 7

Dated " 7, 187 7.

From A. S. Lea.
U. S. Attorney.

SUBJECT.

Acknowledging receipt of letter rel. to the indictment pending in Circuit Court against Col. S. M. Meek & others, & giving reasons why nolle pros should not be entered in the case.

ACTION.

Answd Nov 12/77
" Jany. 24, 1878.

177

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Nov. 7. 1877

Sir,

I have the honor to acknowledge the receipt of your letter of the 3. inst. inclosing a letter to you from Henry B. Whitfield Esq., dated the 24. Ult., in relation to the indictment pending in the Circuit Court of this district against Col. S. M. Meek & others for a conspiracy to prevent by intimidation &c. W. W. Chisolm from the support & advocacy of his Election as a member of Congress at the Election in 1876.

You say in your letter, "It is represented that he (Col. Meek) had no part in any violence which occurred, & it is further stated that there is no evidence tending to show that he concurred in any such violence", & referring them to W. Whitfield's letter, you request a report from me as promptly as possible.

Like yourself, I have received several

278

communications from prominent citizens of the State, the object of which was the dismissal of the indictment as to Col. Meek. In answering these communications, I have stated that the Evidence before the grand jury warranted the finding of the indictment against Col. Meek as well as the other defendants, & was such as forbid my dismissing it as to him. Assuming that Evidence to be correct, & the law presumes it to be so until successfully contradicted, which has not been done, it fully establishes the following facts; first, Chisolm, who was a candidate for Congress, had given public & general notice for several weeks in advance, that on a given day he would address the people at De Kalb, the place of his residence; second, after his appointment to speak was well known, & a short time before the day fixed, his political opponents, the democrats, caused

it to be announced that they too would hold a meeting at the same time & place; third, Chisolm was led to believe that if he attempted to speak, a bloody riot would ensue, & to avoid such a result, he took the advice of friends & remained at home during most of the day; fourth, finding that he had not come out among the people, the democrats to the number of 250 to 300, formed a procession, marched before his house & behaved in a rude, insulting & threatening manner, taunting him with provoking remarks, firing of pistols &c, some of the bullets striking his house, to the great terror of his family; fifth, Col. Meek was at the head of the procession & seemed to be one of the leaders of the mob; sixth, Chisolm's house is in a secluded part of the village, on an unfrequented street & the mob passed in front of it solely because it

was his house & for the purpose of bullying or bulldozing him in his own house & in the presence of his wife & children.
Such are the main facts of the affair according to the testimony before the grand jury, & being of the opinion that no one connected with the mob, whether at the head or tail of it, went to Chisolm's house with any proper intent, & seeing no sufficient reason for making a discrimination in favor of a prominent actor on the occasion, I have not felt that it would be consistent with my duty to not. pros. the indictment as to Col. Meek. That he is a distinguished citizen of the State, an able lawyer, a gentleman of high standing etc. should be considered, it seems to me, as any thing else rather than an excuse for being found "in the front" of a procession formed apparently for the ignoble purpose

of insulting a man in his house, his castle, his home sanctuary, where he & his family had a sacred right to be free from all such molestation. M. Whitfield may regard this as "a petty disturbance"; I look upon it as an outrage of an aggravated character.

There is reason to believe that but for the mob of which Col. Meek unfortunately allowed himself to become a conspicuous member & the indictment of a portion of those concerned in it, the horrible Kemper County tragedy of the 29. of April would not have occurred.

As far as I know, neither you nor I have been favored with a communication in behalf of Col. Meek from any one who was present & witnessed the performances of the mob: all our correspondents appear to be gentlemen who have no personal knowledge on the subject & predicate their representations of

RFI

The letter of Mr. Whitfield is herewith returned.

of what occurred on information derived from others. Such information, I submit, is not as reliable as the evidence of witnesses given under oath before the grand jury. Opposed, however, as I am, to dismissing the indictment as to Meek & leaving it standing as to his co defendants, I agree with Mr. Whitfield, that it would be well to abandon the further prosecution of all indictments pending here for violations of the franchise laws. My reasons for so thinking have already been made known to you; but as they do not appear to be satisfactory to your mind, I propose to bring to trial at the present term of Court one, at least, of these cases, & that one is the case in which Col. Meek is a defendant.

Very respectfully,
L. Lea, U.S. Attorney.

The Attorney General,
Washington D. C.

282

Columbus, Miss., October 24th, 1877.

Hon. Chas. A. Devens,
Attorney General,
Washington, D.C.

Dear Sir:

I take the liberty to address you in behalf of a distinguished citizen of this City and State, Col. S. M. Meek.

At the November term, 1876, of the District Court of the United States, for the Southern District of Mississippi, a large number of the citizens of Kemper County were indicted for alleged violation of the U. S. Laws in preventing Judge W. W. Chisolm, then of Kemper County, from exercising certain rights and privileges as a candidate for Congress, in the canvass in 1876. The alleged violation of law occurred at De Kalb, on the day of a large mass meeting of the Democratic party at that place. Col. Meek is a leading man in that party in this section of the State, and was present by invitation of the State and County Executive Committees as one of the speakers on this occasion, as were

other prominent gentlemen from a distance, all of whom were indicted with others named. During the morning a large number of the people who had come to the town to attend the meeting, marched through the streets of the town, passing by the house of Judge Chisolm - I am informed from several sources, and by members of both political parties, that Col. Meek, with other speakers, was in the front of the procession, when the disturbance occurred near Judge C's residence, in the rear of the procession, some pistol firing &c - I am further informed and believe, that, upon this occurrence, Col. Meek was the first to have the procession halted, and effort made to prevent any such or other demonstration; and to express regret for whatever had been done. This, I am satisfied, will be the utmost that can be shown in the case against Col. Meek.

In reference to Col. Meek's Character and Standing, I desire to say, that I have known him from boyhood. He is one of a family of the highest standing.

literary Cultivation, and high reputation in this section of Country. He is a member of the bar of this City, a distinguished lawyer through the State, engaged in large practice. He is a gentleman of too much Character to engage in a petty disturbance, or a public occasion, as heretofore stated.

As for myself, I have been an active Republican for the past ten years, taking part in every canvass until a year past. Was District Attorney for the 7th Judicial district of Mississippi, for four years; and for part of the year 1876, I was United States District Attorney for the Northern District of Mississippi. I claim to be familiar with the principles of Criminal Law, and with the U. S. election and enforcement laws. With this knowledge, and from what I have heard of the facts of this Case, from both sides, I am satisfied there is no possibility of sustaining the alleged Charge as to Col. Meek. I am further satisfied, that the peace, good feeling, and general interests of all parties and both races, in Mississippi will be promoted by the dismissal of this class of cases, and will meet the approval of the Conservatives of the Republicans.

Very Respectfully,
Henry B. Whitfield

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

2.

Received Nov 12, 1877

Dated " 9, 1877

From L. Lea.
U. S. Attorney.

SUBJECT.

Rel. to action of Deputy Marshal Gainey in matter of log seizure &c.

ACTION.

Ans. Nov. 13, 1877.

284

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Nov. 9. 1877.

Sir,

On receipt of your telegram of yesterday I addressed a communication to Marshal Hunt, of which the enclosed is a copy. I have been shown a letter to the Marshal from Mr. Carter, Special agent of the Interior Department, from which it appears that Gainey's doings have been under his immediate supervision & meet his approval. I cannot say that he, Gainey, is to blame for any thing he has done in his capacity of deputy under Marshal Hunt; but he is a man extremely obnoxious to the people of this district & his character naturally adds to the offensiveness of the service in which he is engaged.

Very Respectfully,

L. Lea,

U.S. Attorney.

The Attorney General,

Washington, D.C.

785,

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Nov 9th 1877

Thos. W. Hunt Esq.
U.S. Marshall,
Pascagoula.

From the Dispatch of the Attorney General herewith, I apprehend that your Deputy, Mr Gainey, is transcending the Authority Vested in you, by Virtue of the Process placed in your hands. Commanding you to Seize Logs, Lumber &c. Cotton unlawfully from the lands of the U.S. States. That process authorizes the Seizure of nothing but property of the U States Wrongfully in the possession, or Under the Control of persons having no Right to its possession or Control. It does not Authorize the Seizure of any private property, & Such Seizure would be a Trespass which would make you Answerable for damages Sustained by the owner of the Property.

You have no Right to obstruct or interfere with the Navigation of Pascagoula River

286/

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, 187

or any other water, except in so far as it may be necessary, in particular instances, to enable you to seize and hold property of the United States, ~~Seized~~ Found or held, by virtue of the process in your hands.

My advice is that you seize no property, unless you have satisfactory evidence that it is the property of the U. States. Otherwise great injury and injustice may be done to individuals, which it is your duty to avoid, as well as to be energetic and resolute in protecting the interest of the Government.

Very Respectfully —
L. Lea,
U.S. Attorney.

187

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Nov 13, 1877.

Dated " 12, 1877.

From L. Lea.
U. S. Attorney.

SUBJECT.

Telegram stating that Order has been made quashing writ not for informality but as inherently illegal. &c.

ACTION.

Answered Nov 13. 1877.
Letter to Secy. of Interior,
Nov. 13, 1877.

2 94 Govt $2.10

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THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. 19ck WILLIAM ORTON, Pres't.

Dated Jackson Miss Nov 12 187

Received at 5 10

To The Atty Genl

Washn D.C

Order made quashing writs not for informality but as inherently illegal as plea held to be the remedy in mississippi.

L. Lea
U.S. atty

29 Calhoun
av

READ THE NOTICE AT THE TOP.

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received Nov 13, 187 7.

Dated " 12, 187 7.

From L. Lea.
U. S. Attorney

SUBJECT.

Telegram, rel to the franchise Cases &c.

ACTION.

Answered Nov 13. 1877.

290

Blank No. 1.

347 Gait. 9.500

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A. R. BREWER, Sec'y. 28 Ck WILLIAM ORTON, Pres't.

Dated Jackson Miss Nov 12 187

Received at 9 41 Pm

To The Attorney Genl Washn D.C

Have you any objection to the passing of franchise Cases to the files as recommended by Judge Hill -

L. Lea.
U.S. Atty

28 Call Govt

READ THE NOTICE AT THE TOP.

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received Nov 13, 1877.

Dated " 12, 1877.

From Thos H. Hunt
U. S. Marshal.

SUBJECT.

Telegram rel to order of court that property be held only by those specially named in writ of Sequestration vs. Walking if he shall recall certain deputies.

ACTION.

Answered Nov 13. 1877.

292

293

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A. R. BREWER, Sec'y. Wm A Lapham WILLIAM ORTON, Pres't.

Dated Jackson Miss Nov 12 1877

Received at 4 30 pm

To Atty Gen Devens

Washn D.C.

READ THE NOTICE AT THE TOP.

Acting under writ of sequestration I have had eight deputies & timber keepers employed near east pascagoula on saturday the Court made an order that property be held only of those who were specially named in the writ under this order my principal deputy has discharged all duties & keepers & they are preparing to leave it

Blank No. 1.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated 187

Received at

To 2

READ THE NOTICE AT THE TOP.

Was Considered best to
get deputies from a
distance to do this
work & same were
sent from this place
shall I recall or
keep them at Pascagoula
for further service I
will forward requisition today
for eight thousand dollars
for this special Service

Thos W Hunt
U S Marshal

112 Collect GR
SJ

S Dist. of Miss.

38. DEPARTMENT OF JUSTICE.

Received Nov 28, 1877.

Dated Nov 19, 1877.

From Thos H. Hunt.
U. S. Marshal.

SUBJECT.

Telegram, requesting funds for current Court expenses.

ACTION.

Answered Nov 28/1877.

295

221 5448

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated Jackson Miss Nov 19 1877

Received at 942 PM

To atty. Gen. Devens
Washn D.C

READ THE NOTICE AT THE TOP.

DEPARTMENT OF JUSTICE NOV 20 1877

In timber cases thirty eight writs will issue tonight for execution have no funds for this service outside those for Current court expenses what amount may I expect & when

Thos. W. Hunt
U.S. Marshl

THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN

41 Collect G. Rate

WHERE ANY REPLY SHOULD BE SENT.

Direct Wires.

KD-

196

So Dist. of Miss.

39 DEPARTMENT OF JUSTICE.

Received Nov 24, 1877

Dated " 29, 1877

From Wm H. Barton.

SUBJECT.

Rel. to depredations committed upon public lands in Miss.

ACTION.

Gen

Copy and letter to Secty of Interior Nov 24th/77

247

DEPARTMENT OF JUSTICE
NOV 24 1877

Jackson Miss
Nov 20 1877—

Sir;

I have the honor to acknowledge the receipt of your letter of the 14th instant

As directed, I did proceed to this place and communicate with Luke Lea Esq United State Attorney in regard to the proceedings to be adopted for the recovery of the property—lumber and other materials alleged to have been taken from the lands of the United State and also as to whether indictments ought not to be procured against some of the offenders— Before my arrival in Jackson the District Court dismissed a writ of Sequestration, under which the Marshal had seized a large quantity of pine logs, lumber and railroad ties— I do not think the writ can be maintained in Mississippi for the reason that the Statutes of the State make no provision for it, except in case of Chancery proceedings

Finding this to be the condition of things I communicated with the

agents of the Interior Department, Messrs R.S. Bartley and M.A. Carter, who are charged by the Treasury with investigating trespasses on the public lands of the Government in this State.

From these Gentlemen I was able to get the names of a large number of persons who have in their possession logs, lumber and other materials taken from the lands of the U.S.

The facts thus obtained enabled the U.S. to institute thirty Seven suits in Replevin under the statute of this State as contemplated in Section 914 of the R. Statutes.

The writs in these Cases will enable the Marshal to take and hold the following property viz: 85,780 pine logs, 50 80,000 feet of pine lumber - 31,500 Cubic feet of square timber - 800 Railroad ties and 2,500 bushels of Charcoal

The Marshal has still in his possession, & under, and when the property is sold, it will not be surrendered without bonds.

249

I have tried to impress upon the Marshal the importance of so doing

The facts now in the possession of the agents of the Government are not in my judgment sufficient to warrant Criminal proceedings at this time

With the facts now at hand indictments could be found against a number of poor woodcutters who have no doubt willfully violated the provisions of Section 2461 of the Revised Statutes.

I find however that the trespasses on Government lands in Jackson Harrison and Hancock Counties, are carried forward by men of means and on an extensive scale

I think an example should be made of these men rather than of the poor man. As soon as the evidence can be collected against a few of the principal ones arrests and prosecutions will be commenced by the District Attorney

The depredations on the public lands of this State, are confined to the three

300

Counties above named and along the Streams emptying into the Mississippi Sound & the Gulf.

Hoping my action will meet with your approval I am

Very respectfully
Wm. H. Barton

Hon Charles Devens
Atty General
Washington D. C.

"Jackson Clarion"
Miss.

The Log War.

The log war which has for some time been going on in the lumber districts of Louisiana is about to open in the seashore counties of Mississipi. United States Marshal Hunt, with the notorious J. J. Gainey as chief, and Dr. Lou Jones, W. G. Walker, J. T. Lester, H. V. Barr, —— Parker and J. Cessor, (col.), additional deputies, have gone down to levy upon such logs as they may presume to have been cut upon government lands. We do not believe that any of our mill men have been depredating upon the public lands; but we much fear, if the war against them shall be waged as it has been in Louisiana, that they will be put to great inconvenience and loss whether the timber they have on hand be private or public.

We will not say beforehand that this will be the case, but if the Department of Justice (so-called) of the Federal government is to be continued to be used as it and the army have been for the purpose of annoying and oppressing the people of Mississippi, they will have to look to the Democratic House of Congress to cut off the munitions of war (money) in the appropriation bill as they did last spring in the army bill. There is nothing like the want of money to take the conceit out of arrogant Federal officials.

301

So Dist. of Miss.

42

DEPARTMENT OF JUSTICE.

Received Nov 26, 1877.

Dated Nov 24, 1877.

From L. Lea.
U. S. Atty.

SUBJECT.

Telegram, rel. to log seizures etc, and suggesting employment of an Attorney to assist in obtaining a writ of replevin.

ACTION.

Answ Nov 26. 1877
gen.

302

Blank No. 1. 247

6.090

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated Jackson Miss Nov 24 1877

Received at N. E. cor. 15th St. and Penn. Ave., Washington, D. C.

To The Atty Gen

USDC

Property having been seized not delivered at suit of ala under proc from state Court I cannot at a distance do or direct what is necessary I suggest that some good lawyer should go immy to case and appear in state Court as atty

3.3

READ THE NOTICE AT THE TOP.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

READ THE NOTICE AT THE TOP.

Dated Nov 24 1877

Received at N. E cor. 14th St. and Penn Ave., Washington, D. C.

To 2

Is M S Court
being still in session
here it is impossible
for me to go
it will not
suit to send my
asst

L Lea
U S atty

Pollgrove

304

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Nov 26, 1877.

Dated " 25, 1877.

From Wm A. Barton.
Agent.

SUBJECT.

Telegram rel. to seizure of boys in So. Miss. etc.

ACTION.

Filed Nov 26. 1877.

Genl

3.5

No. 44. 529 2.10pm

HALF RATE MESSAGES.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. 104 WILLIAM ORTON, Pres't.

Dated Greensboro Ala Nov 25 187 7
20p

Received at

To Hon Chas Devens

Atty Genl W

Marshalls have seized one
hundred and seventy thousand
dollars worth of logs
& lumber at Pascagoula
Miss under writ taken
out by me at
Jackson I am delayed
because of damage to
roads

Wm H Barton

306 3 Hall pr Vz

READ THE NOTICE AT THE TOP.

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Nov 27, 1877

Dated " " 26, 1877.

From L. Lea.
U. S. Attorney.

SUBJECT.

Telegram stating that collision is imminent between U. S. & State Authorities, rel. to seizure of Engs. &c.

ACTION.

Genl

Filed Nov 27. 1877

307

271 Govt. 4052

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated Jackson Miss Nov 26 1877

Received at 3 5 4 8

To Atty Genl U.S. Washn D.C

Barton left for Washington via
Neworleans last Tuesday night
Dep. Marshal Gainey and Special
Agent Carter report this morning
that Sheriff has taken property out
of marshals possession & that
Collision between U.S. &
State authorities is imminent

L. L. Lea
U.S Atty

48 Call Govt
Od

READ THE NOTICE AT THE TOP.

☞ THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN

WHERE ANY REPLY SHOULD BE SENT.

Direct Wires.

3.8

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Nov 28, 1877.

Dated " 27, 1877.

From L. Lea.
U S Attorney.

SUBJECT.

Telegram rel. to warrant. ~~bring~~ issued for the arrest of Sheriff of Jackson Co. etc.

ACTION.

Answered Nov 28/1877.

3.9

274 421R

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated Jackson Miss Nov 27 1877

Received at N. E. cor. 14th St. and Penn Ave., Washington, D. C.

DEPARTMENT OF JUSTICE NOV 28 1877

To Atty Gen
Washn DC

Warrant to arrest & bring forthwith before the Court John E Clark Sheriff Jackson County issued last night on my affidavit charging unlawful taking property from the Custody of Marshal Trust this proceeding will prevent further illegal interference

L Lea
U.S Atty

46 Chas GR
97

READ THE NOTICE AT THE TOP.

3101

So Dist. of Miss.

54 DEPARTMENT OF JUSTICE.

Received Dec 5, 1877.

Dated Nov 30, 1877.

From H. R. Ware.
Asst U. S. Attorney.

SUBJECT.

Rel. to the trial of the Kemper County Franchise Cases.

ACTION.

Ans. Dec. 6, 1877.

311

DEPARTMENT OF JUSTICE
DEC 3 1877

Jackson Nov 30th 1877

Sir

The Kemper County Franchise Cases have been Continued until the January Term upon the application of the Defendants if there had been a trial I have a thorough Confidence that we would have Succeeded in their Conviction, Now a renewed and earnest effort will be made to have the Cases dismissed, and you will I trust pardon the liberty I take in asking that you will not grant these applications this is a Strong though Suppressed feeling in the State or in this portion of it favoring the punishment of Crimes of this Character, What is wanted is earnest vigorous enforcement of the laws If we try these Cases in January my opinion is the Parties will be Convicted and the better Class of our Community will be gratified at that Result.

We can hope for nothing from the State Courts and the State authorities in Kemper County, but for the Sake of a few poor Right or Ten Indictments were found there for the butchery of the Chisolm family Yet to this day not a Single arrest has been made, although the Murderers are upon the Streets of De Kalb every day, bold and defiant, then the remaining hope for the protection of the good Citizen by the punishment of the law breaker. Must be in the

312

United States Courts. Let each Indictment of this character be pressed to trial. If there be a misstrial, let it be renewed and carried on with energy. To see trifling offenses against the Government punished with Rigid Severity - while those of the gravest character are comparatively ignored, naturally brings our Courts into disrepute and stimulates bad men to fresh acts of Violence

I am gratified that you have in the first Months realized the importance of pursuing this Course, and trusting that so far as it is in your power you will give the benefit of your great influence to the Rigid enforcement of the Laws in our State against a class of men, who will never be restrained unless by the power of the Law which they think to violate with impunity.

While these views are unsolicited, I trust you may not regard them impertinent, but as a mite contributed by a Subordinate in your Department to assist the administration of the Laws

Very Respectfully
Your Obt Svt
A. R. Ware
Asst. Dist Atty

Hon. Chas Devens
Atty General
Washington
D. C.

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received Dec 6, 1877.

Dated " " , 1877.

From L. Lea.
U. S. Attorney.

SUBJECT.

Telegram rel. to boat seized by Marshal claimed by Desmetre.

ACTION.

To Secy of Interior
Dec. 6. 1877.

Gwd

314

Blank No. 2 141 Nov 2057

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A. R. BREWER, Sec'y. 93B WILLIAM ORTON, Pres't.

Dated Jackson Miss Dec 6 187

Received at N.E. COR. 14TH ST. AND PENN AVE., WASHINGTON, D.C. 2.30

To The Atty Genl

Washn D.C

READ THE NOTICE AT THE TOP

Cal Carter special agt interior dept now here says Marshall never seizes any property in possession of or claimed by Desmet do you still wish me to investigate the matter Hard to tell what is true or false coming from Neis Carter relative to Cog & timber business

L. Lea
U.S Atty

2

If Call go to act

215

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received Dec 13, 1877.

Dated " 7, 1877.

From Geo C. McKee.
Sp. Asst U.S. Atty.

SUBJECT.

His oath.

ACTION.

Filed Washington 13. 1877.

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DEPARTMENT OF JUSTICE DEC 13 1867

The United States of America
Southern District of Mississippi

I Geo C Wicker Special U.S District Attorney for the Southern Dist of Mississippi do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof that I have voluntarily given no aid countenance counsel or encouragement to persons engaged in armed hostility thereto, that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States, that I have not yielded a voluntary support to any pretended government authority power or constitution within the United States hostile or inimical thereto,
And I do further swear that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies foreign and domestic that I will bear

true faith and allegiance to the same that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Geo. C. Wiggins

Subscribed and sworn to before me this 7th Day of December A.D. 1877.

Jas. W. McKee

U.S. Commissioner So. Dist.

of Mississippi

So Dist. of Miss

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DEPARTMENT OF JUSTICE.

Received Dec 13, 1877.

Dated Dec 10, 1877.

From R. A. Hill.

SUBJECT.

Rel to the appointment of Gen. Geo C. McKee to assist in timber & log troubles &c.

ACTION.

Feb (Feb 11/78)

318

Oxford Miss December 10th 1877

Hon Chas Devens

Attorney General

Honored Sir

I am glad to learn that you have commissioned my friend Gen Geo. C. McKee to look after the log and lumber troubles on the Coast, and if he is not vested with full power to examine into the questions involved, I am satisfied both the interest of the Government and justice to the parties interested, will be promoted by giving him ample power over the subject, powers which do not appertain to the district Attorney. Judge Lea the district attorney is a sound Lawyer and safe public Officer, and will I have no doubt do all within his power to enforce the rights of the Government; but has his other duties to perform, which

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will not permit him to go to the Coast and give the difficult questions there his undivided attention which is necessary to be done by a lawyer and man of sound judgment and political sense. The questions here and in Louisiana are quite different, first because the laws and modes of proceeding are different, and secondly because the facts are different, here as I undest and the notice is to commence the proceedings in rem by writ of sequestration, here we have no such proceedings; it is doubtful whether the action of replevin could have been maintained until after a rule was adopted by Judge Woods and myself upon my application to him after the first proceedings were commenced. In the La log cases the timber as I learn was cut and removed from the Government lands, either directly by the Mill men or with their knowledge & here the Mill men purchase the logs at their Mills, as a New Orleans collector

Merchant does the cutter today, not
Knowing upon whose land it was
grown, and often 100 miles from
where the timber was cut; it will
be difficult I presume, to prove
that when they purchased the logs, they
Knew that they were taken off the
Government lands, and if they Knowledge
of it not shown, I take it the Govern-
ment must identify that which was
taken from the public lands; and that
the rule that where a man fraudulently
mixes the property of another with his
own, he thereby forfeits the right to his
own, if identification cannot be had,
will not apply; if correct in this
it will be a difficult matter to identify
lumber after it is manufactured.
That it will be shown that a considerable
portion of the logs were taken off of
either private lands, or those taken
from the lands belonging to Ala. and
Miss. may be expected.
I Know that the Government does
not and ought not to intend to interfere

with private rights, and yet it is
difficult in many cases to avoid it for
a short time, hence the necessity of having
such a man as General McKee upon the
ground to make the proper investigations
and when satisfied that the property seized
does not belong to the Government, to
have power to release it.
I have for the past two years felt
the necessity of something being done to
protect the timber on the government lands
from these depredations, and have repeatedly
called the attention of the Government
Officials to the subject, but nothing was
done until now. I have almost
uniformly called the attention of
the Grand jury to the subject, and
prosecutions have been instituted but
have failed for want of proof.
I am satisfied that what is being done
will for a time at least, remedy the
wrong which I take it is the main

purpose of the proceedings. You will please pardon the suggestion that such course should be pursued as to let the logs be manufactured, and not permitted to rot in the river, and the hundred if not Thousands of poor dependant laborers black and white, dependant upon this employment, for something to keep soul and body together, to be turned loose to starve, or to depridate upon the property of others.

I am satisfied if Gen McRae is clothed with proper authority, such calamity can be aviaded and at the same time all the substantial rights of the Government can be secured.

You will please pardon me for the liberty I take in addressing you this long communication, which I assure you is prompted alone by a desire to to aid in the enforcement of the rights of the Government on the one side and the protection of the rights of the citizens on the others, and to the poor laborers about these Mills and

who have had at least no wilfull
participation in the violation of the law
Some means by which to prevent
Starvation from overtaking themselves
and those dependant upon them; and
in which I doubt not you fully concur
with me

Your Obedient
Servant
R A Hill

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Dec. 15 1877.

Dated " " 11 1877.

From L. Lea,
U. S. Attorney.

SUBJECT.

Rel. to charges against him and requesting information.

ACTION.

Ans. Dec. 18, 1877.

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Office of

UNITED STATES ATTORNEY,

FOR

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., Dec. 11. 1877.

Sir,

The Esteem which it has been my pleasure to entertain for Judge Devens, & the respect which it becomes me, as a subordinate officer, to observe toward the Attorney General, admonished me not to make a hasty reply to your dispatch of the 8. inst., lest something might escape me that, in calmer moments, would be cause for regret, as not in keeping with our proper relations. Candor, however, constrains me to say, that time & reflection have, by no means, alleviated the painful sense of injury & injustice I feel in consequence of that dispatch.

The dissatisfaction felt by you & the honorable Secretary of the Interior, another gentleman for whom I have cherished a high regard, at the condition of things to which you refer, can hardly be greater than my own,

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Office of

UNITED STATES ATTORNEY,

FOR

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., _____ 187

& strange as it may seem to you, the facts of the case, in my opinion, will bear me out in saying, that neither of you is a whit less responsible for that condition of things than I am myself. It has been, from the beginning, my earnest endeavor to do my whole duty to the government in connection with this vexatious business. To this end, though laboring under grievous embarrassments, I have worked by day & by night, early & late, in season & out of season. If I have been delinquent in any respect I am wholly unconscious of it, & I will thank you to point out any particular instance in which I have done, or failed to do, any thing whatever, showing, or tending to show, a want of "determination" on my part to enforce the laws & maintain the rights of the government.

You could not, I suppose, have sent me

Office of

UNITED STATES ATTORNEY,

FOR

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., ... 187

a dispatch so wounding to my feelings as an officer & a gentleman, unless charges of a serious character had been preferred against me by some responsible party. I have, therefore, most respectfully to request, that you inform me of these charges & by whom they were preferred. If they are vague & indefinite, I can but deny them, as I here do, in the broadest & most Emphatic manner. If they are specific, I will refute them, one & all, to the confusion of my accuser whoever he may be.

I affect no insensibility to your threat of my removal from office. On the contrary, I am free to say, that although I have heretofore, frequently thought of resigning on account of the gross inadequacy of my compensation, my removal at this time & under existing circumstances, would be a serious blow to

Office of

UNITED STATES ATTORNEY,

FOR

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., _____ 187

me & to dear ones who love & are dependent upon me. Nevertheless, I cannot, even to avert that blow, promise you that I will exercise in the future "more determination to enforce the law" than I have exercised in the past. When I became U.S. Attorney, I made a solemn vow, that, God helping me, I would discharge the duties of the office, at all times, under all circumstances & in all instances, according to the best of my understanding & ability. This vow, thank God, I have so far kept inviolate, & it is my fixed determination so to keep it for the future. Beyond this, promises would be vain, & I have none to make.

Again requesting you to inform me of the charges against me & by whom preferred, I remain, Very respectfully,

L. Lea, U.S. Attorney.

The Atty. General, Washington, D. C.

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So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Dec 15 1877.

Dated Dec 12 1877.

From L. Lea.
U. S. Attorney.

SUBJECT.

Rel. to the order of Judge Hill in log & timber cases.

ACTION.

Ans. Dec. 18/77.

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Office of

UNITED STATES ATTORNEY,

FOR

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., Dec. 12. 1877.

Sir,

Your dispatch of the 10th, on the subject of Judge Hill's order, was received yesterday. The order was made late Saturday Evening, shortly before the adjournment of the Court, & when I was unavoidably absent. It was not seen by me until the following Monday, when I wrote to the Judge calling his attention to the objectionable provisions of the order, & thus anticipating your instructions in that regard. A copy of my letter is inclosed herewith. Before an answer to it was received, Gen. McKee arrived from Washington, & after remaining here long enough to be well posted, went to see the Judge at Oxford, whence he returned yesterday with a new order sweeping away obstructions & giving the marshal ample powers.

Very respectfully,

The Atty. General, Washington, D.C. L. Lea, U.S. Atty.

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Copy

Copy

Jackson, Miss. Dec. 7. 1877.

Hon. R. A. Hill,
Oxford, Miss.

Dear Judge,

On reading this morning your order in the Griffin (Logs & Timber) case, it occurred to me that it is obnoxious to the objection of being in conflict with the recent joint order made by you & Judge Woods. That order directs, that the practice &c. in actions of replevin, shall be conformed, in the U.S. Circuit Court to the practice, &c. in the State courts. You will recollect that by the act of the Legislature in relation to the act of replevin, the officer executing the writ is to estimate the value of the property, & the replevy bond is to be in double the value so estimated. But your order directs a valuation to be made in a manner, & a bond to be taken in a penalty, unknown to the Statute. I am at a loss to see how it can be sustained; for, if you can change the Statutory rule as to the valuation & bond, may you not change it in every other particular, & so dispense with the law entirely? Knowing that you are apt to be right, the probability is that there is some view of your order which my mind has failed to take, & from which its validity is apparent. But, it is possible that from the pressure of business, fatigue & carelessness in the last hours of the court, you may have unwarily fallen into an Error, & I have therefore thought it best to call Your attention to the matter.

Yours faithfully, L Lea.

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Dec 24 1877.

Dated N. W. 19 1877.

From W. W. Dedrick.
late U. S. Attorney.

SUBJECT.

Requesting copy of opinion rel. to the application of statute of limitation to case of desertion from the U. S. Army.

ACTION.

Ans. Jan. 2 /78.

329

Jacksonville Miss. Dec 19. 1877

Hon Charles Devens
Attorney General

Sir.

Will you please be good enough to favor me (if printed) with a copy of your late opinion rendered the Judge Advocate General touching the application of the Statute of Limitation to cases of desertion from the U. S. Army? Much oblig.

Yrs Respectfully
N. M. Dedrick
Late U.S. Attorney So. Dist.
of Mississippi

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So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received January 3 1878.

Dated 3 187-.

From Geo C Mc Kee.
Sp Asst U. S. Atty.

SUBJECT.

Report rel. to seizure of timber cut from public lands.

ACTION.

To Secty. Int. Jan. 5/78.

Geo

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DEPARTMENT OF JUSTICE
JAN 3 1878

Washington D.C.

Jany 2nd 1878

Hon Chas Devens

Atty Genl

Sir:

Pursuant to instructions from you of date Dec 3, 77 I proceeded to Jackson Miss. Upon consultation there with Mr. M. A. Carter Special Agent of the Interior Dept and Luke Lea Esq U.S. Dist Atty for So. Dist of Miss., I found that under a writ of sequestration previously issued by Hon. R. A. Hill Judge of the U.S. Dist Court of the Southern Dist of Miss, an immense amount of logs, lumber, turpentine and charcoal had been seized for the Govt. Subsequently this writ of sequestration was quashed as having been improvidently issued, and all seizures &c, under it were set aside. The action of replevin was now instituted by the officers of the Govt, but the Judge (Hill) had directed by order of date Dec 1st, that the U.S. Marshal should not serve the writs in his hands by levying upon any property which had come first into the hands of a Sheriff, or had been bonded out of said Sheriffs hands, and the Marshal was further ordered not to seize

any property from any vessell after the same had been receipted for by the Captain or master thereof, for transportation for or on account of any other person than the defendant in such writ. Pending the delay incident to above proceedings, the lumber men had shipped their cargoes as usual, perhaps had been more than usually active. They had also allowed the States of Alabama and Mississippi to seize a great deal of the property, and then, whether it was in the hands of the Sheriffs or had been returned to the lumber and mill men under bond, it was safe from seizure by the U.S. authorities, by virtue of the protection given by order of Dec 1st. The U.S. Marshal and the Agents of the Interior Dept were thus almost powerless and shipments were in progress. After consultation at Jackson as above stated, I at once proceeded to Oxford, Miss where the U.S. Dist and Circuit Court were in session. After a hearing, Judge Hill promptly issued the order of Dec 8th which set aside most of the obnoxious provisions of the order of Dec 1st. Under this new order matters are proceeding in a satisfactory manner. Eighteen writs of replevin have been issued by the Dist. Court of the U.S. returnable at Jackson Miss on the 28th of Jany (1st day of term) and fifty two (52) writs of replevin from the

Circuit Court of the U.S. returnable at the May Term at said Jackson. The affidavits in the 18 suits in the District Court call for between four and five thousand dollars worth of property. The value fixed in the affidavits in the 52 cases in the Circuit Court is about $360,000. This valuation is far above the real value. Some of the suits in the District Court are of so trifling value, that I have directed the Marshal not to serve the writs in certain of these cases, not wishing to put the Govt to costs beyond the value of the property sued for. I am not able to state what writs have been served as no returns had been made when I left Jackson, but I understood from the Marshal and his deputies that almost all had been served.

After my return to Jackson I went to New Orleans and after a consultation with Mr Carter Spec Agt, proceeded to Pascagoula, where most of the seizures had been made I also went out to Moss Point on Pog River where the large mills are. I had full conferences with some of the mill owners, shippers and others. Naturally enough they complain of the seizures of what they insist is their property, alleging that they have bought logs only after due care

and circumspection; that they have not knowingly bought a log cut from U.S. lands, or that there was any doubt about. They offer to submit to arbitration or to any referee appointed either by U.S. Dist Judge Hill or other authority of the Govt; they claim that their business is being ruined &c What proofs the Govt may have, I do not deem it prudent to submit in a report which may be public. But there is one notorious fact; the U.S. lands have been stripped wherever they were at all accessible from the Pascagoula and its many tributaries, and the only outlet for the logs so stolen is the mills at Moss Point and Pascagoula

The expenses to the Govt are enormous; seventy suits are pending; the service of these suits; the inventorying of the property seized; estimating or measuring millions of feet of lumber; counting thousands of logs in booms and scattered along the creeks and rivers; the services of deputies and keepers, and of log-turners to ascertain the many different brands of logs, and finally the costly hunting up of evidence, surveying or identifying the government sections and quarter sections of land from which the logs have been cut, &c all will aggregate a sum of money, that even

if it were in my province to estimate, I have at present no means of making even an approximation to.

So far as the future is concerned, log stealing is at an end in Mississippi. Heretofore no one has looked after these vast timber interests of the Government, and now thirty years of watchful care can not restore what the last ten years of carelessness has lost. The loss can not be estimated. It is millions.

While it may not be exactly pertinent to my business employment as attorney yet it is so pertinent to the subject matter that I wish to call attention to the charcoal burners and turpentine gatherers. What the log men leave, the charcoal burners take; everything in reach goes into the charcoal pit; they leave the land clear of all trees big and little and it grows up in scrubby brush. The turpentine men establish their "orchards" on lands which by reason of inaccessibility to creeks can not be stripped by log thieves, and they ruin countless fine trees which otherwise would have been safe from depredators.

I forgot to mention in

proper sequence that after my return from Pascagoula, Special Agent Carter requested that I resist the applications of certain parties who desired to regain possession of the property by bonding it. Mr. Carter also desired that the property be turned over to him, and I made application for him to the U.S. Marshal. To settle these questions and to get orders ensuring a satisfactory bond necessitated a second trip to Oxford where the U.S. Courts were in session. Judge Hills order, then issued allowed the defendants to bond under certain conditions and refused to turn the property over to Mr. Carter. This order to the Marshal was in the main very equitable. After my return from Oxford to Jackson finding no further business that called for my attention I returned to Washington on 1st Jany 1878

Respectfully submitted

Geo. A. McKee

Special U.S. Atty.

A list of the suits pending in the District and Circuit Courts of the So Dist of Mississippi is herewith filed

U.S. suits in replevin returnable before the District Court, commencing Jany 28/78

Docket No.	Defendant	Description	Value	Real value
78	~~78~~ Orion McEwen	200 bus charcoal	$50.	$10
79	Leo Ramsay	400 " "	100.	20
80	Alex. Cameron	300 logs & 4 M. lumber	415	350
81	Wm Stewart	200 bus charcoal	50.	10
82	Robt McEntire	600 " "	150.	30
~~83~~	A. Scarborough	300 " "	75	15
84	Wm Stocks	800 " "	200.	40
85	Champlin & Co.	100 logs & 1 M. lumber	140	115
86	Anais M. L. Pol	800 RR. ties	400	400(?)
87	Henry Coma	100 logs & 8 M lumber	300.	150
88	McGregor & Smith	50 " " 3 " "	400.	70
89	B. Leger	50 " " 5 " "	112	80
90	Sam. Favre & Wallace & Co.	200 " " 2 " "	270	230
91	— Waddleworth	100 " " 30 " "	500	260
101	John Falckner	300 "	500	330
102	Henry Colmer	100 " " 4 " "	104.	130
103	Robt Dickens	200 "	200	220
104	Saml Westley Mills	300 "	300	330
			$4466.00	

Number of suits - 18

" " pine logs - 2000 average value $1.00 each

" " feet pine lumber - 57 M. " " $5.00 per M

" " bushels charcoal - 2500 " " 5 cts per bus

" " RR ties - 800 " " 50 cts each

U.S. Circuit Court. May Term 1878

Docket No.	Defendants	Description			Value
2525	Bercier & De Smet	3500 logs & 600 M.	lumber		$10,375
2526	Henry Carey	1,000 "	300 "	"	4,250
2527	Wm. J. Poitevent	10,000 "	200 "	"	14,500
2528	J. J. Cowart	400 "	157 "	"	2,070
2529	C. F. Griffin & Co	3,000 "	300 "	"	8,750
2530	Denny & Morris	3,000 "	550 "	"	9,250
2531	C. P. Edwards	1,000 "			1,250
2532	Hand & Keel	75 "	1 "	"	103
2533	J. W. Griffin & Co	4,000 "	150 "	"	6,500
2534	Geo Reeves et al.	30,000 "			37,500
2535	Henry Dantzler	1,500 "	120 "	"	3,075
2536	Calvin Taylor	75 "	125 "	"	1,343
2537	W. H. Morris	1,000 "			1,250
2538	Henry Weston	2,000 "	150 "	"	5,000
2539	W. Myers	100 "	4 "	"	525
2540	Henry Lainhard	100 "	275 "	"	2,526
2541	Poitevent & Favre	15,000 "	200 "	"	20,750
2542	A. G. Donner	4,000 "	350 "	"	8,500
2543	Bercier & De Smet	400 pcs. sq. timber			3,000
2544	Gatchey & Son	400 logs & 12 M	lumber		620
2545	Wm Hickman	117 pcs. sq. timber	60 & 70 ft	long	5,850
2546	J. T. Liddle	80 logs & 921 M.	lumber		9,310
2547	Walter Denny & Co	6,500 " "	500 "	"	11,875
2548	L. N. Dantzler	1,500 " "	120 "	"	3,075
2548½	John Thomas	8000 "			8,000
2549	Jos. Hester	4,000 "			5,000
		30355 M			$184,247

			Brot forward		$18,424.47
2549½	J. A. O'Neal	2,500 logs			$2,600
2550	A. C. Danner & Co	4,000 "	350 M. lumber		8,500
2550½	Alex Cameron	1200 "			1,200
2551	Edward Myers	100 "	4 " "		525
2551½	Frank Wedgewalt	1600 "			1600
2552	F. Gaulthier & Co	400 "	12 " "		620
2552½	Russel Bond	2,000 "			2,000
2553	John R Dickens	5,000 "			5,000
2554	J. W. Griffin & Co		360 " "		3,600
2555	E. F. Griffin & Co		340		3400
2556	John Griffin	2,000 "			2,000
2557	John Williams	3000 "			3,000
2558	L. Lee	13,000 "			13,000
2559	John R Dickens	13,000 "			13,000
2560	Wm Tanner	2,000 "			2,000
2561	Thos Lott	15,000 "			15,000
2562	Henry Brennen	5,000 "			5,000
2563	Griffin & O'Neal	25,000 "			26,000
2564	Thos Lott	2000 "			2,000
2565	H. Brennen		100 pcs. sq. timber		2,600
2566	John McLain, et al.	1600 logs			1600
2567	Walterbenny (surv'g partner)	3,000 "	1530 M lumber		18,530
2568	A. C. Danner & Co	3500 "	1,000 M "		13,500
2569	Alex Kirkwood	1,000 "			1,000
2570	M. S. O'Neal et al	20,000 "			20,000
2571	L. N. Dantzler	600 "	900 " "		9,600
				Total =	$363,942.—

Number of suits 52

" " pine logs - 229,730. Average value $1.0 each.

" " feet pine lumber - 9537 M. " " 5.00 per M.

" " pieces square timber, 617 Aggregate, $11,350.00

Recapitulation

Number of suits in both Courts 70

" " logs called for by writs from both Courts, 231,730

" " feet lumber " " " " " " " " 9,608,000

" " pcs. sq timber " " " " " " " 617

" " bus. charcoal " " " " " " " 2,500

" " R. R. ties 800

Aggregate value of all as alleged in affidavits $368,408.00

So. Dist. of Miss

100

DEPARTMENT OF JUSTICE.

Received Jany 10 1878.

Dated " 9 1878.

From Thos N. Hunt.
U. S. Marshal.

SUBJECT.

Enclosing copy of order of Judge Hill rel. to the seizure of timber. &c. &c.

ACTION.

Answd Jan 10. 1878.

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New Orleans La 6th Jan/78

To the Hon Chas Devens
Attny Genl U.S. Sir -

I beg herewith to enclose copy of letter from Judge Hill - which has just been forwarded to me here - also copy of writ ne. ex.

In obedience to a written request of Judge Hill I have gone from my office to Jackson & there to Natchez - on the Miss. coast - looking after persons of whom writs were issued. I found that there had been no delay except that occasioned by the taking depositions This is of course necessary to be properly attended to before Bonds can be given -

As to the order requiring me to show cause I beg to say that I trust the Government will see to it that a Special Attny is sent to represent the Government in this Case & I desire also to say that Special Agent Carter is now in Calcasieu Parish La. having just gone. I failed to see him before this morning & the Marshal of La. informs me that he had important business there & cannot return by the 14th inst. I hope the Dept will see to it that a day is set which will enable him, Carter, to be present -

I desire also - respectfully - to impress upon the Hon Attny Genl the necessity for having Able Counsel, if any is to represent the Govmt in this Case - & to suggest that Judge Woods be requested to sit in Chambers on this occasion - also that I may be informed promptly of the action of the Attny Genl on these matters

Very respectfully
Your Obt Servt
U.S. Marshal So Dist Mississippi

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Copy

In the Circuit Court of the United States
For the Southern District of Mississippi

Before the Hon R. A. Hill Judge Sitting
in Chambers at Beford Miss - January
3d 1878 -

United States
H. Saunders } It is ordered in the within
Cause that a Rule Nisi be issued
on the Marshal to appear before me at Chambers
in Beford on the 14th day of the Month, and
Show Cause if any he have why the Logs
timber & Lumber Seized by him or his Deputy
and Held - Shall not be released therefrom
and that the prayer of the petition shall not
be granted

It is further ordered that a
Copy of this order be delivered to the
Marshal & to the District Attorney and
that this petition & Exhibits be returned
to me at Chambers on said day
This January 3d 1878
R. A. Hill Judge

Seal A true Copy
Jno. L. Lee
Deputy & acting Clerk
U.S. Circuit Court So. Dist Miss

Copy

Oxford Miss - Jan. 3d 1878

Colo. T. W. Hunt
Jackson Miss

My Dear Colonel -

I am in receipt of letter from A. C. Danner of Mobile informing me that he has applied to Gainey to give Bond & have his logs & lumber released - that Gainey is delaying & putting it off - If any more delays or disregard of the order are indulged in by Mr Gainey he will at once be removed. His appointment under the circumstances was in all conscience bad enough. I hope you will at once go down & either make Gainey do his duty or discharge him. I have just made a Rule on you to show Cause at this place on the 14th inst Monday week - if any you have - Why the property seized - belonging to and in the possession of Danner &c shall not be immediately released - for the reason that it had before been seized under a writ of Replevin from the State Court. Under the modification of the order made at Jackson You were authorized to make the seizure - the motion is to "let the modification order aside and reestablish the former order. As a matter of Course no decision will be made until both sides are heard, but the Authorities are so strong, cited from the decisions of the Supreme Court of

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the United States in opposition to the seizure by the Marshal of property which has been seized by the Sheriff & released by him upon bond - or by the Marshal seized first & released on bond & then seized by the Sheriff that I am not willing that the order made here shall be considered as a justification for future seizures of the same kind - that is to seize property which has before been seized by the Sheriff under process sent from the State Courts - but let you act as you may deem best without any direction either way - You will therefore consider this as leaving with you the responsibility

Yours truly

R. A. Hill

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received January 11 1878.

Dated " 10 1878.

From Thos. H. Hunt.
U. S. Marshal.

SUBJECT.

Telegram rel. to the appointment of Judge Orlando Davis as Asst in trial of certain cases, etc.

ACTION.

Answd + to Usatty So Miss. Jany 11/78

342

Blank No. 296 9.56 Am

THE WESTERN UNION TELEGRAPH COMPANY.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.
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This message is an **UNREPEATED MESSAGE** and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Sec'y. 126 WILLIAM ORTON, Pres't.

Dated Lafayette Miss Jan 10 1878

Received at N. E. cor. 14th St. and Penn Ave., Washington, D. C. 950P

To Atty Genl Devens
Washn D.C.

READ THE NOTICE AT THE TOP.

Judge Orlando
Davis is good
attorney and will
be perfectly satisfactory
to me Special agent
Carter however is
absent & I fear
Judge Davis has
not time & will
need Carters presence
respectfully Suggest

343

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated _____ 187

Received at N. E cor. 14th St. and Penn Ave., Washington, D. C.

To J Devens

READ THE NOTICE AT THE TOP.

that time to be asked for preparation & for Carters presence I had previously determined to leave the Matter with Dest atty Sea & will not be in attendance in person

Thos W. Hunt
U.S. Marshal
76 Raid G. R Case

344

So Dist. of Miss.

109

DEPARTMENT OF JUSTICE.

Received Jany 15, 1878.

Dated " 14, 1878.

From Thos H. Hunt
U. S. Marshal.

SUBJECT.

Telegram stating that Palmer & Jas bonded Jany 10th etc.

ACTION.

Answd Jany 15. 1878

345

LOCATION NO. 405 9.26P

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. 33 20 WILLIAM ORTON, Pres't.

Dated Jackson Miss Jan 16 187

Received at N. E. cor. 14th St. and Penn Ave., Washington, D. C. 935P

To Hon Chas Devens

READ THE NOTICE AT THE TOP.

Attorney Genl

Washn D.C

Danner & Co bonded Jany

tenth deputy marshall only

demands solvent bonds

Thos W Hunt

U S Marshal

by L W Minor

D U S M

33 pd GR sx

346

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Jany 16, 1878.

Dated " 16, 1878.

From Thos H. Knight.
U. S. Marshal.

SUBJECT.

Telegram rel. to dismissal of certain cases &c.

ACTION.

File

347

Blank No. 1. 256 456 pm

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. 28 No WILLIAM ORTON, Pres't.

Dated Jackson Miss Jany 5 1878

Received at N. E. COR. 14TH ST. AND PENN. AVE., WASHINGTON, D.C. 4 49 Pm

To Hon Chas Devens
Atty Gen Washn D C

Awaiting report from
Deputy Gainey daily expected
when received Most of
the Cases in district
Court will probably be
dismissed

Thos A Hunt
U S M
by L M Minor
D U S M

41 Collect GR
Hunt

348

READ THE NOTICE AT THE TOP.

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received Jany 18, 1878.

Dated Jan 15, 1878.

From A. R. Ware.
Asst U. S Atty.

SUBJECT.

Rel to the employment of Special Counsel to assist in trial of case of U. S. vs F. S. Hunt et ale.

ACTION.

Record Jan. 23/78

349

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., Jany 15th 1878.

Sir.

I have the honor to say — in reference to the Suit of the United States vs. Victoria S. Hunt et al. insti- tuted November 7th 1871. upon breach of Bond of said Hunt as U.S. Revenue Col- lector for the State of Pitt Thousand Dollars that the same has upon various grounds been formerly continued from Term to Term until now. The Bond upon which this Suit is brought is I think Undoubtedly good. Originally the Writ Dickson attorney W W Sedgwick Esq. at the instance of your Department employed E. Baldwin Esq. from a distant Town to assist him, and his fee $500.00 has I think been paid by the Government.

The defendants have obtained a postponement

350

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

of the Leading Members of the Bar here who from their long Connection with the Case are of Course Thoroughly acquainted with its Voluminous Records. While the present District Attorney can take no part in the prosecution having formerly been Counsel for the defendants, while Mr Baldwin is not here and not likely to be so as to give a Case of this magnitude that Care which it deserves. While Considering the interest involved, the Voluminous Records, the great intricate and numerous questions of law involved together with the formidable Array of Counsel I do not feel that the interest of the Government will be properly Conserved by Relying alone upon myself to Conduct this Suit, but even if Mr Baldwin Continues to act for the Government. I think some Counsel here should be engaged to act with me in this Suit.

I therefore feel it my duty to write you these

361

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

facts, with my frank views as expressed. that you may consider and advise me, what shall be done in this regard. If you should agree with me as to the propriety of employing assistant Counsel needs be glad that from there in trying the jurisdiction. with the bar here. you should indicate who should be employed. what fee shall be paid. &c. &c. or not. to select those employed by the defense. I would say. that they have engaged Hon. Harris & George W. L. Nugent. & Green.

Certainly if you disagree with me as to the propriety of employing other Counsel. I shall try and get Mr. Baldwin here. and make the best struggle I can for the success of the suit. yet I have felt it a duty to write these views to you

Very Respectfully

H. R. Ware

ass't U.S. atty

Hon. Charles Devens.

Atty Gen'l

Washington

D.C.

252

So Dist. of Miss

126

DEPARTMENT OF JUSTICE.

Received Jany 24, 1878.

Dated " 19, 1878.

From L. Lea.
U. S. Attorney.

SUBJECT.

Report rel. to dismissal of certain suits as requested in letter of 3rd inst.

ACTION.

Answd Jan 26/78

353

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPARTMENT OF JUSTICE JAN 21 1878

Jackson, Miss., Jan. 19. 1878.

Sir,

On receipt of your letter of the 3. inst., I promptly showed it to the deputy in charge of the Marshal's office, & advised him to lose no time in communicating its contents to the Marshal & to his deputy, Gainey. The Marshal at the time was in New Orleans, on his return from the Miss. coast, where he had gone for the purpose of making a personal examination into the condition of things relative to the Log & Lumber business. It was understood that he would be here in three or four days; and, believing that I could obtain from him, better than from any other source, the information necessary to enable me to reach a correct conclusion as to which of the replevin suits ought to be discontinued, I waited for him until the 10th., when I learned that his return was uncertain & might be delayed for a considerable time. I thereupon addressed him

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

a letter, which I handed to his Office deputy, & requested that a copy be sent forthwith to W. Gainey, with instructions that he furnish the information therein called for, as speedily as possible. I inclose herewith a copy of my letter. No report in answer thereto has been received from W. Gainey, nor have I any assurance that one will be forthcoming within any definite period.

Having no certain information as to the seizures actually made in the smaller cases, not being advised as to whether any of the property so seized, has been replevied, I am compelled to act somewhat blindly in endeavoring to carry out your instructions.

But, as the next term of the District Court - the court in which the smaller cases are pending - is near at hand, & as it is proper that such of the cases as are to be dismissed at all, should be dismissed without unnecessary delay, I will

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, Miss., 187

proceed at once to dispose of some of them in that way.

There are 18 suits in the District Court, & I think it may be well doubted whether 3/4 of them at least ought ever to have been instituted. Of the affidavits in the cases, 1 was made by Col. Carter, & 17 by W. Bartley. In none of the affidavits is the property described, valued at more than $500, & in most of them the valuation is much less. In some instances, the estimates are preposterously high, & they are probably exaggerated in all.

It will be convenient to consider the cases as divided into two classes; first, cases that will be defended; second, cases that will not be defended. The first class embraces the more important cases, 4 or 5 in number, the claimants in which have some means & will defend vigorously the suits against them. The second class embraces all the other cases, the claimants in

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

which, whatever may be their rights, are too poor to make any defense.

A more particular notice of some of these suits may not be amiss. In one case, of the first class, 100 pine logs & 8000 feet of lumber are stated in the affidavit, to be of the value of $500. Now, the average value of pine logs on the coast is about $1.00, & that of lumber is about $5 per M ft. Supposing the full amount of logs & lumber mentioned in the affidavit, to have been seized, which is by no means certain, the real value of the property, instead of being $500, is probably below $200. In a second case, of the first class, it is alleged in the affidavit, that a man by the name of Pol, detains &c, 800 railroad ties, of the value of $400. I have in my possession a certificate of deputy Marshal, Gainey, that W. Pol had no such property in his possession. A third case,

357

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

of the first class, is one in which the affidavit charges that Alexander Cameron detains &c, a certain amount of logs & lumber. W. Cameron, I am assured, is ready to produce divers witnesses, who will swear positively, that all the property seized in his possession was taken from the lands of individuals. With such evidence before the jury & the popular feeling strongly in his favor, what chance, think you, would the government have, to obtain a verdict against W. Cameron? Like questions, & for like reasons, might be asked with reference to the other cases of the first class. Without the packing of a jury, a proceeding that can never receive my sanction, it is not at all probable that a verdict could be obtained for the government in any one of these cases.

Six cases, of the second class, are for as many lots of charcoal, amounting in all to 2.500 bushels,

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Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

[redacted] of the [redacted], according to the affidavits, of 25¢. per bushel! The real value of charcoal in the coast region of Miss., does not exceed 5¢. per bushel, & 10¢. is a high price for it in the New Orleans market. Assuming, then, that the full amount of 2.500 bushels has been seized in the six cases, the full value of it all is $125, just $500 below W. Bartley's Estimate. It will readily occur to you that the value of the property mentioned in W. Bartley's affidavits, was of far easier ascertainment than the title to the property. Seeing, then, how wrong he is as to the one, how can it be safely assumed that he is right as to the other? I cannot but feel that it would ill become me, as an officer of the Department of Justice, to ask for judgments by default in these petty charcoal cases; in one of which, I am credibly informed, the man in whose possession the charcoal was

259

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISIPPI,

Jackson, Miss., 187

seized, was thereby so completely impoverished, that his wife & children have, for some time, been forced to "live on bread alone", & that, too, on bread made of cotton seed!

Having deliberately considered the whole subject, I find myself constrained to believe that the interest of the government would be best subserved by the immediate dismissal of all the cases in the District Court. But, to do this would, perhaps, be going beyond the scope of your instructions, & I shall confine myself, for the present, to the dismissal of the Pol case, the six charcoal cases, & three others, of the second class, which I am satisfied the government cannot gain any thing by prosecuting further.

Miscarriages at best are a choice of evils, & I regret that there should be a necessity for dismissing, at the outset, any of these cases; a regret

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, Miss., 187

not a little enhanced by the apprehension, that Col. Lester, with whom I am instructed to cooperate, will regard their dismissal as a grave mistake. But, in my judgment, to dismiss them now will be less hurtful than abortive efforts to make productive.

Very Respectfully,
L. Lea,
U.S. Attorney.

Hon. Charles Devens,
Attorney General,
Washington,
D. C.

364

Copy.

A. Lea, U.S. Atty. to
Thos. W. Hunt, U.S. Marshal.

/Copy/

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, Miss., Jan. 10. 1878

Thos. W. Hunt Esq. U.S. Marshal.

Sir,

In order that I may act understandingly in carrying out certain instructions of the Attorney General, I have to request that you inform me as speedily as possible; first, What property has been seized by you under each writ of Replevin in which the U. States are plaintiffs, issued out of the District Court & returnable to next Term - 28. inst.; Second, What expense, if any, is certainly, or likely, to be incurred by your continuing to keep possession of the property seized under said writs respectively.

It is supposed that the property seized in some instances, is of such little value as not to justify further expense in prosecution of the suits; & the information I desire is to enable me to determine which of the suits it is expedient to dismiss.

I have also to request that all the writs above referred to, be returned without delay. Very respectfully, L. Lea, U.S. Atty.

Department of Justice,

Washington, ... 187

Your away at your discretion Dismiss any of the Dist Ct cases which are ale apparently trivial — If this is to be done it had better be by arrangement with the Distr. Att. on circuit so as to avoid cost of Court

So Dist. of Miss.

135

DEPARTMENT OF JUSTICE.

Received Jany 26, 1878.

Dated " " , 1878.

From H. R. Ware.
Asst U. S. Atty.

SUBJECT.

Telegram suggesting the employment of Frank Johnston as Counsel in certain cases.

ACTION.

Answd. Jan 26. 1878.

347

Blank No. 1. 1927 2100

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated Jackson Miss Jany 6 1878

Received at N. E. cor. 14TH ST. AND PENN AVE., WASHINGTON, D. C. 203 Pm

To Gen Chas L Devens
Atty Gen
Washn D C

Most Counsel here retained or Controlled by defendants of those remaining I would Suggest Frank Johnston he would charge five hundred dollars

H. R. Ware
asst u Satty

37 Caleet 4R
u J

366

READ THE NOTICE AT THE TOP.

So Dist. of Miss.

132. DEPARTMENT OF JUSTICE.

Received January 28, 1878.

Dated. " " 1878.

From H. R. Ware.
Asst U. S. Atty.

SUBJECT.

Telegram rel. to the appointment of Mr Johnston as Asst in trial of certain cases.

ACTION.

If anything abbreviated is made the sol. of Treasury would like notice.

1

767

Blank No. 1. 108 12057

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. Cert 2 WILLIAM ORTON, Pres't.

Dated Jackson Miss Jany 28 1878

Received at N. E. cor. 14th St. and Penn Ave., Washington, D. C. 11 57 am

To Hon Chas Devens
Atty Gen
Washd C

READ THE NOTICE AT THE TOP.

I did not intend to convey idea that Baldwin was no longer in the case but did not give it requisite attention I will consult with Baldwin before returning Johnston will then notify you

H R Wise
Asst Dist atty
49 Callender

368

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Jany 31, 1878.

Dated " 28, 1878.

From L. Lea.
U. S. Attorney.

SUBJECT.

Acknowledging receipt of letter rel. to the case of U. S. vs S. M. Meek & others.

ACTION.

Ans. Febry. 1, 1878.

369

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPARTMENT OF JUSTICE JAN 31 1878

Jackson, Miss., Jan. 28. 1878

Sir,

Your letter of the 24. inst. in relation to the case of the U. States against E. M. Meek & others, has been received.

The case is set for the 5th. of Feb., & I have heretofore taken necessary steps to secure the attendance of every person as a witness who I have any reason to believe can testify to any material fact. I shall prosecute the case with a will, but without being encouraged by the hope of success.

Very respectfully,
L. Lea,
U.S. Attorney.

The Attorney General,
Washington,
D. C.

270

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received Jany 31, 1878.

Dated " 28, 1878.

From L. Lea.
U. S. Attorney.

SUBJECT.

Enclosing tabular statement rel. to suits entered in log sitting cases etc.

ACTION.

Ans. Febry. 1, 1878.
Genl

274

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPARTMENT OF JUSTICE
JAN 31 1878

Jackson, Miss., Jan. 28. 1878.

Sir,

The writs in 17 of the 18 Replevin suits instituted in the District Court, were returned last Saturday night. The writ in 1 of the cases has not been returned, & seems to have been mislaid by some of the Marshal's deputies. On examining the returns on the writs, I found they exhibited a state of things more interesting than agreeable. The tabular Statement herewith, which I caused to be made late Saturday night, will enable you to apprehend without difficulty the prominent facts in connection with these suits. They are sufficiently suggestive without particular comment from me.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington D.C.

372

Number of Writ	Names of Defendants	Property claimed in affidavit and writ: Number of Logs	Feet of Lumber	Number of Cords Railroad	Bushels of Charcoal	Value as stated in affidavits by Rattray & Carter		Property seized by Marshal: Number of Logs	Feet of Lumber	Bushels of Charcoal	Probable Value		Marshals Costs as taxed in writs	
78	Irion McQueen				200	50	00			200	8	00	10	98
79	Leo Ramsey				400	100	00			150	6	00	86	75
80	Alex Cameron	300	4.000			415	00	300	4.000		320	00	85	28
81	Wm Stewart				200	50	00			200	8	00	67	00
82	Robert McIntire				600	150	00	No seizure made					2	00
83	A Scarborough				300	75	00			300	12	00	82	00
84	Wm Stock				800	200	00			800	32	00	37	00
85	Champlin & Co	100	1.000			140	00	No seizure made					14	40
86	Anias M L Pal			800		400	00	No seizure made					19	82
88	McGregor & Smith	50	3.000			400	00	No seizure made					19	58
89	B Leger	50	5.000			112	50	50	500		52	50	190	90
90	S Fane & Wallace & Co	200	2.000			270	00	83	2.000		93	00	136	94
91	— Haddlesworth	100	30.000			500	00	No seizure made					19	40
101	John Falekner	500				500	00	370.			370	00	150	48
102	Henry Calmer	100	4.000			104	00	No seizure made					19	52
103	Robert Dickens	200				200	00	200			200	00	116	78
104	Daniel Westley Mills	300				300	00	300			300	00	105	66
		1.900	49.000	800	2.500	3966	50	1.303	6.500	1.650	1.401	50	1255	49

So Dist. of Miss

139

DEPARTMENT OF JUSTICE.

Received January 31, 1878.

Dated " 31, 1878.

From L. Lea.
U. S Attorney.

SUBJECT.

Telegram requesting bond of Gilbert Moyers.

ACTION.

Answd by telegram & letter Jany 31. 1878.

374

Blank No. 1. 276 442R

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. 9 Ch. WILLIAM ORTON, Pres't.

Dated Jackson Miss Jan 30 87

Received at N.E. COR. 14TH ST. AND PENN AVE, WASHINGTON, D. C. 442

To The Atty Genl
Washn D.C.

Gilbert Moyers has not appeared nor has his Bond been received. Please have it forwarded immedy.

L Lea
U S Atty

27 Collect Govt Rate
A Bu

READ THE NOTICE AT THE TOP.

375

So Dist. of Miss

142 DEPARTMENT OF JUSTICE.

Received Febry 2, 1878.

Dated Jany 29, 1878.

From L. Lea.
U. S. Attorney.

SUBJECT.

Rel. to the trial of cases against certain parties for trespass upon public lands.

ACTION.

Ans. Feb. 5, 1878.
Gen

374

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPARTMENT OF JUSTICE FEB 1878

Jackson, Miss., Jan. 29. 1878.

Sir,

Col. Carter, Special Agent &c came here yesterday morning & left last night. He says he will not be prepared to try any of the Replevin cases at this term, not until certain surveys shall be made for which an appropriation is necessary. He thinks the defendants in several of the cases still pending in the District Court will agree to pay costs if by so doing they can have their cases dismissed. I advised him to ascertain at once in what cases such an arrangement can be effected. He is to send me tomorrow, an affidavit for a continuance, to be used if expedient.

Very Respectfully,

L. Lea, U.S. Atty.

The Attorney General

Washington D. C.

377

So Dist. of Miss

149

DEPARTMENT OF JUSTICE.

Received Febry 6, 1878.

Dated Jan 1, 1878.

From Thos H. Hunt.
U S Marshal.

SUBJECT.

Rel. to his efforts towards keeping down expenses in matter of timber cut from public lands.

ACTION.

File

Genl

35P

Jackson Miss
1st Feb 1878

Hon
Atty Genl. Devens
Washington D.C.

Sir.

I have been informed that you are being advised that in the execution of the writ of Replevin, commonly called Logs, Lumber &c - the Marshals Costs are becoming burdensome & out of all proportion. That these arrests & seizures of Logs &c have been made, all based on the writs issued by the District Court, in small amounts. It is true that in some of these cases the Costs are attaching, even & may possibly be more than the value of the property seized. But knowing that this Court is desirous to have & that the Officers in connection with the Court should conform to the Law & also from numerous letters & visits to this Office for aid & advice in the matter of the seizure of property under Orders for $50.00 & Upwards - The total value of

379/

the Cost of the Court will not
exceed Five Thousand Dollars the highest
Estimate & the most economical Estimate would
be Four Thousand Dollars -

While my General instructions to Deputy
Clerks, Jailers, have always been to keep
down expenses, I have tried to know
exactly what was the least possible Effort
in order to protect the property & do justice to
Government in the way of Economy

My idea has been to retain as few Keepers
as possible - but to leave the matter to my Chief
Deputy the Jailer who is an Experienced
man in such matters & who could judge of
the necessities in the different Cases - being on
the Ground - better than any one not
intimately acquainted with the details of such
business -

I have verbally given Col. D. L. Carter
Special Agent of the Interior Department & have
given instructions to reduce the force of Keepers
to the very lowest & also to shut up as the
least that can be expected.

350

The Department will please bear in mind that my Official Duties in connection with this Special & Extraordinary Service are Exceptional - Continuous, & necessarily Expensive. We have few friends on the Coast, & have to exercise vigilance as well against Evils of Sheriffs & Defendants - as against Fire & Flood & action of the tides.

I trust the Department will not select one to make a reduction that will be fatal to the proper protection & Guardianship of the property while it is left under Seizure

Very respectfully
Your obed't Servt
Thos W Hunt
U.S. Marshal

So Dist. of Miss

153

DEPARTMENT OF JUSTICE.

Received Febry 8, 1878.

Dated " " , 1878.

From L. Lea.

U. S. Attorney.

SUBJECT.

Telegram stating that he has dismissed all replevin suits.

ACTION.

Answd Feb. 8/78

362

DEPARTMENT OF JUSTICE

Telegram

383

384 CXLII.GVT. JACKSON MISS.FEB.VIIITH. THE ATTY.GENL. WASHN.DC.

162-1050m

C. HAVING HEARD NOTHING FROM SPECIAL AGENT CARTER AS TO PAYMENT OF C

OF COSTS I HAVE DISMISSED ALL REPLEVIN SUITS IN DISTRICT COURT. L.

REPLEVIN SUITS IN DISTRICT COURT. L.LEA. U.S.ATTY. XXXII COLECT.GVT

So Dist. of Miss

153

DEPARTMENT OF JUSTICE.

Received Febry 9, 1878.

Dated " 4, 1878.

From L. Lea.
U. S. Attorney.

SUBJECT.

Acknowledging receipt of letter rel to the assistance of Judge Tarbell in trial of suits growing out of depredations upon public lands.

ACTION.

Filed Febry 11. 1878.

Gunl

385

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPARTMENT OF JUSTICE FEB 9 1878

Jackson, Miss., Feb. 4. 1878.

Sir,

I have the honor to acknowledge the receipt of your letter of the 31. Ult., in which you request me to inform you whether, in my opinion, the assistance of Judge Sarbell is necessary or advisable in looking after the interests of the United States as involved in the suits pending in the Courts of this District growing out of depredations upon the public lands.

For obvious reasons, I feel some embarrassment in responding to your request; but I will do so with the frankness & sincerity that I think ought to characterize communications from me to you touching my official duties.

The labors of this office, nine tenths of which I am obliged to perform myself, are so onerous, & my compensation is so ridiculously small, that I am well pleased whenever I have a prospect of

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

receiving real assistance from any quarter. It would certainly relieve & gratify me greatly to have Judge Yarbell associated with me in the management of these suits. I cannot say, however, that it is either necessary or advisable for him to be retained for the purpose solely or mainly of securing his assistance in the trial of the cases in Court. But there is, in my judgment, a preliminary work that ought to be done by some body, & should Judge Yarbell be assigned to that duty he will be afforded an opportunity to render the most important service that can be rendered the Government in connection with this complicated & vexatious business.

It is now evident that a considerable number of the suits brought by the Government, were improvidently instituted. The seizures of

387

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

property have been mischievously indiscriminate. The fact is undoubted, that the Marshal is, & has been for the last two months, holding property that belongs to individuals. This fact has done much to create ill feeling toward the government, & this feeling can hardly fail to prejudice the claims rightfully asserted by the government. Justice & policy alike require that the property held by the Marshal which does not belong to the U. States, shall be released to its owners without delay. To ascertain what property is so held; to have it released; to effect compromises, as far as practicable, where the title to the property in controversy is doubtful, & to aid in procuring the evidence necessary to the successful prosecution of such cases as cannot be satisfactorily compromised, is the work to which I

386

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

have referred. It would seem that the ability & experience of Judge Tarbell might qualify him to perform this work in a manner honorable to himself & beneficial to the government. Familiar as he would become with the cases that could not be compromised, he would then be able to render valuable assistance in the trial of those cases. Let the work be promptly & well done, & many thousands of dollars, I am confident, would be saved to the Government. No honest interest would be injured by it, except that of the U.S. Attorney, who, I regret to know, would lose severely if the course I suggest should be adopted.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington, D. C.

389

So Dist. of Miss.

185

DEPARTMENT OF JUSTICE.

Received Febry 9, 1878.

Dated 8, 1878.

From L. Lea.
U. S. Attorney.

SUBJECT.

Telegram rel to dismissal of replevin suits, trial of Kemper case, & requesting instructions.

ACTION.

Answd Feb 9/78

390

Blank No. 375 Govt 111am

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.
Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages.
This message is an UNREPEATED MESSAGE, and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated Jackson Tenn July 8 1878

Received at N. E. cor. 14th St. and Penn Ave., Washington D. C., 110AM

To The Atty Genl Wash D C

READ THE NOTICE AT THE TOP.

Defendants through representatives have
urged idea of paying Costs. Col
Carters protracted silence confirms this
association that he can effect
no arrangement to that end
He admits Jems are wholly
unprepared to try cases this
term. His affidavits will not
secure continuance dismissal today
were deemed preferable to only alternative
Nonsuits or forced trials hereafter
with largely accumulated costs but
as my action is not approved
I have had order of
dismissal vacated & await further
instructions. Kemper Case on trial
and I have no time
to write L. Lea.

99 Call good rate KS U.S. Atty 391

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Febry 11, 1878.

Dated " 11, 1878.

From Thos N. Hunt.
U. S. Marshal.

SUBJECT.

Telegram rel. to dismissal & reinstatement of timber Cases.

ACTION.

Answd Feb 11/78

Genl

3921

DEPARTMENT OF JUSTICE

Telegram.

393

284 250

GVT.CCXVI. JACKSON MISS.FEB.XITH. HON.CHAS.DEVENS. WASHN.DC.

. IT IS MY BELIEF THAT THE DISMISSAL OF THE DISTRICT COURT TIMBER C

BER CASES WILL HAVE THE EFFECT TO ENCOURAGE OPPOSITION. I WILL REDUCE

REDUCE MY COSTS TO THE SMALLEST FIGURES. IN THESE CASES OUT OF THE EIG

EIGHTEEN DISTRICT COURT CASES TEN WERE DISMISSED LAST MONTH AND THE

E REMAINING EIGHT WERE DISMISSED LAST WEEK.BUT WERE REINSTATED TODAY

TER THE RECEIPT OF YOUR TELEGRAM BY DIST.ATTORNEY. THE DEFENDANTS ARE

UNDER IMPRESSION THAT THEIR CASES HAVE BEEN OR WILL BE DISMISSED AN

MISSED AND IT WILL BE DIFFICULT IN CONSEQUENCE TO COME TO ANY ARRANGE

ARRANGEMENT TO SECURE THE GOVERNMENT COSTS WITHOUT SUIT. I AM HAVING

UIT. I AM HAVING BONDS TAKEN IN CIRCUIT COURT CASES AND WILL DIMINIS

H KEEPERAGE AS FAST AS POSSIBLE. COL.CARTER IS HERE.. THOS.W.HUNT.U.S

TER IS HERE. THOS.W.HUNT.U.S.MARSHALL. CXXXI COLECT.GVT.RATE

394/

So Dist. of Miss

157

DEPARTMENT OF JUSTICE.

Received Febry 12, 1878.

Dated " 11, 1878.

From L. Lea:

U S Attorney.

SUBJECT.

Telegram rel. to the continuance of certain cases, etc.

ACTION.

Answd Feb 12/78

396

Do not make why Ex
shall be kept added to
by Court. As in such case
an order shall be obtained from
Court to recall the process
hold proceeds if C.C. refuse
to continue of coming your
Court by the cause? You
Do you know?

371

F. 18 Bon

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated Jackson Miss Feb 11, 187 8

Received at N. E. COR. 14TH ST. AND PENN AVE, WASHINGTON, D. C. 815 p.

To The Attorney General

Washn D C

Marshal Expects to retrench and Cannot say definitely how much will be added to Expindes by Continuance of Cases but the Costs in any Case Continued to subsequent term and tried will largely Exceed value of property Court has just overruled motion to Continue—

L. Lea

US Attorney

READ THE NOTICE AT THE TOP.

53 collect. govt rate a Bn

So Dist. of Miss

159

DEPARTMENT OF JUSTICE.

Received Febry 13, 1878.

Dated " 9, 1878.

From L. Lea.

U. S. Attorney.

SUBJECT.

Reporting verdict rendered by Jury in the Kemper County Franchise Cases & requesting further instructions

ACTION

Ans. Feb. 15, 1878.

397

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPARTMENT OF JUSTICE FEB 13 1878

Jackson, Miss., Feb. 9. 1878.

Sir,

The Kemper County franchise case terminated to day in a verdict of not guilty. The evidence failed to prove the conspiracy, & also that Stoiolm was a qualified voter. The Court ruled that to make him a qualified voter he must have registered, which it seems he neglected to do.

The trial excited a good deal of public interest, & will furnish occasion for any amount of democratic denunciation; but it was so conducted that the defendants gained no popular sympathy, & it is to be hoped that more good than evil will result from it. I am, however, confirmed in the opinion, repeatedly expressed to you, that it is impossible to secure a conviction in any of these cases, & that the public interest will be best consulted by dismissing them all. I

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

would be pleased to have a further expression of your views & wishes on this subject.

Very respectfully,

L. Lea,

U.S. Attorney.

Hon. Charles Devens,
Attorney General,
Washington,
D. C.

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received Febry 13, 1878.

Dated " 12, 1878.

From L. Lea.
U. S. Attorney.

SUBJECT.

Telegram rel. to Law, authorizing sale of logs before trial. etc.

ACTION.

Answered Febry 13. 1878.
To Sec. Int., Feb. 13, 1878.

Gen'l

400

Blank No. 1. 194 9.36 Pm

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. 19 NO WILLIAM ORTON, Pres't.

Dated Jackson Miss feb 13 1878

Received at N. E. cor. 14TH ST. AND PENN AVE., WASHINGTON, D. C. 934

To The Attorney General

Washn D.C

DEPARTMENT OF JUSTICE FEB 13 1878

READ THE NOTICE AT THE TOP.

Our replevin law does not authorize order of sale before trial. Carters affidavit was for continuance to June term which will not be held Continuance asked for would keep cases on docket till November and Expenses would undoubtedly far exceed value of property. Carter returned last night to New Orleans Defendants are insisting on immediate trial burden of proof is on

401

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated _____ 187

Received at N. E. cor. 14th St. and Penn Ave., Washington, D. C.

To 2

READ THE NOTICE AT THE TOP.

Plaintiff neither name of
Witness nor particle of evidence
has been furnished me attempt
to try cases worse than idle
The quickest is the cheapest way
to get rid of them

L Lea
U.S attorney

102 Collect GR
ABX

402

So Dist. of Miss.

163 DEPARTMENT OF JUSTICE.

Received Febry 16, 1878.

Dated " 15, 1878.

From J. L. Bradford.
Sp. Asst U. S. Atty.

SUBJECT.

Removal.

ACTION.

Filed Febry 16. 1878.

403

Washington D. C.
February 15th 1878

Hon. Charles Devens
Attorney General
Washington D. C. Sir:

Herewith I have the honor to file with you my oath of office as a Special Assistant District Attorney for the United States for the Southern District of the State of Mississippi, by virtue of your letter of appointment of date the 13th inst.

I will cause to assist for the South Eastern at once upon the duties assigned me.

I am Respectfully
Your Obt. Servt.
J. L. Bradford

I, James L. Bradford

do solemnly Swear ~~that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto. And I do further~~ that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

James L. Bradford

Sworn and subscribed before me, this 13th day of February, A. D. 1878.

L. S.

A. G. Heylmun.
Notary Public

405

So Dist. of Miss

164

DEPARTMENT OF JUSTICE.

Received Feb 16, 1878.

Dated " " , 1878.

From Thos W. Hunt
U. S. Marshal.

SUBJECT.

Telegram acknowledging receipt of dispatch rel. to certain reports.

ACTION.

Filed Feby 18. 1878

406

Blank No. 1. 217 3015

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated Jackson Miss Feby 16 187 8

Received at N. E. COR. 14TH ST. AND PENN AVE. WASHINGTON, D. C. 3 Pm

To Hon Chas Devens
Atty Gen
Washd C

READ THE NOTICE AT THE TOP.

Dispatch Received making for
report from Sea Coast
where is Looked for
hourly

Thos H Hunt
U S M

27 Collect GR
Ab J

407

So Dist. of Miss

163 DEPARTMENT OF JUSTICE.

Received Febry 18, 1878.

Dated " 12, 1878.

From Henry B. Whitfield.
Attorney &c.

SUBJECT.

Requesting nolle pros of cases against Miners Nye H. Peters N. M. Doss & others charged with conspiring to intimidate voters.

ACTION.

To U.S. Atty. No. Miss, Feb. 19, 1878.

4.0

Write Dis Atty Goodloe
Report on written
case
before him Mandamus
when Goodloe attorneyed

DEPARTMENT OF JUSTICE FEB 18 1878

Vicksburg, Mississippi,
February 12th, 1878.

Hon. Chas. A. Devens,
Attorney General,
Washington, D.C.

Sir:

As Attorney for Messrs. Thos. H. Peters, H. M. Doss, and other citizens of Oktibbeha County, Mississippi, I have the honor respectfully to ask and urge that the prosecutions pending against them in the United States District Court, for the Northern District of said State, on the charge of conspiring to intimidate voters, &c., be dismissed, and a nol pros. entered therein.

I make this request for the following reasons. 1st The prosecutions can not be sustained under the law and facts of the case. At the time of the commission of the alleged offence of conspiracy &c. I lived in the adjoining County of Lowndes,

and was and am interested in a farm near the place where the difficulty occurred. I am personally acquainted with almost every white person and every negro engaged in the trouble, and am familiar with all the facts. The Colored men, who were Republicans, were holding a primary mass meeting to send delegates to a County Convention, to be held at Starkville some days afterwards, which County Convention was to send delegates to a Republican Congressional Convention to be held at Okolona, some week or ten days after the County meeting, to nominate a Republican Candidate for Congress in the district. There had been a Democratic Mass meeting the same day some four or five miles distant from the place where the Republicans meeting was in session. A number of white men returning from the Democratic meeting passed along the public road while the Republicans meeting, for above purpose, was in session. From improper language on both sides there was a sudden collision, in which fire arms were used, both parties having weapons. The negroes were the greater sufferers, though some

of the white men were also wounded. In other words, there was no conspiracy whatever on either side, none can ever be shown, but a sudden fight, and violation of the local laws of the State. The grand jury of the Circuit Court of the County of Oktibbeha soon afterwards investigated the case fully, and on account of the great conflict of evidence failed to find any indictment against any person, of either side, or party. This to my knowledge was a fair grand jury, composed largely of Republicans. I was at the time of this occurrence an active Republican, and had good sources of information as to the actual facts of the case. I was, also, United States Attorney for the said Northern District of Mississippi in the early part of the year 1876, prior to this trouble, and from my examination of the U. S. laws and decisions was then satisfied, as I am now, that the prosecutions in this case can not be successfully maintained. If the opinion of the present U. S. Atty. for the North. Dist. is asked in reference to the matter, I am

confident he will concur in the opinion, as to this particular case; and if his Honor, Judge Hill, the Dist. Judge, will express an opinion, as he understands the Case thoroughly, I have no doubt he will, also, Concur in this opinion and Statement.

2dly: The large Majority of the Colored people who were engaged in the difficulty desire the Case to be dismissed, as do their race in the neighborhood. This I know from recent personal Conversations with many of them, and so state a professional honor. It will Certainly promote the peace and harmony of the immediate section where the difficulty occurred, and meet the approval of the best men, and the mass of the people, of all races and both Colors, irrespective of political organizations, or parties.

3dly It will save very heavy expense to the government, as the locality is remote from Oxford, the place where the District Court is held. It will relieve the parties involved from much trouble and useless

expense, in my judgment. It is certainly not the policy of the United States government, in the administration of justice, to protract hopeless prosecutions in cases of this character. Whatever reasons of expediency, or public policy, may have existed at the time, or a few years since, in this State, for instituting prosecutions of this nature, have certainly passed away, or ceased to exist. Why, or how, it is unnecessary here to attempt to explain.

4th The verdict of acquittal, rendered in the District Court of the U. S. for the Southern Dist., at Jackson, on the 9th inst., in the cases known as the "Kemper County" prosecutions, will be accepted by the general mass of the people, and the legal profession, in this State at least, as a precedent, and conclusive in this character of cases. If those cases could not be sustained, it is useless to talk about trying others.

Very Respectfully,
Your Ob't. Serv't.,
Henry B. Whitfield, Atty. &c.

So Dist. of Miss

1878

DEPARTMENT OF JUSTICE.

Received Febry 19, 1878.

Dated " 18, 1878.

From Thos N. Hunt.
U. S. Marshal.

SUBJECT.

Telegram transmitting report of Deputy U. S. Marshal J. J. Gainey rel. to expenses &c in matter of log seizures

ACTION.

To Sec'y Feb. 26, 1878.

412

Blank No. 1. 279 521 pm

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. 2780 WILLIAM ORTON, Pres't.

Dated Jackson miss Feby 18 1878

Received at N. E. cor. 14th St. and Penn Ave., Washington, D. C. 520 Pm

To Hon Chas Devens
Atty Gen Washd.c

READ THE NOTICE AT THE TOP.

In answer to 3/78
despatch I send you
the following from J.
J Lacey my deputy in
charge - Signed Thos N
Hunt U S Atty -
Pascagoula miss 18th -
Thos N Hunt U S Atty
Ten timber Cases headed
total amount of property
seized four million six
hundred & fifty five
thousand five Hundred &
forty five feet lumber

413

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated Feby 187 8

Received at N. E. cor. 14th St. and Penn Ave., Washington, D. C.

To 2

READ THE NOTICE AT THE TOP.

By thirteen thousand three hundred & fifty six logs value of same estimated at one dollar for each log & five dollars for each thousand feet thereof thirty six thousand six hundred & thirty three dollars & seventy two cents ten Dt Ct cases have been released per order U S Dist atty Leo property amounted in value to two hundred eighty one dollars and twenty

4-14

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated _____ 187

Received at N. E. COR. 14TH ST. AND PENN AVE., WASHINGTON, D. C.

To _____

READ THE NOTICE AT THE TOP.

four cents six cases have been released on order of Court vacating Marshalls seizure where sheriff had been in possession amounting in value to twenty seven thousand three hundred & fifty three dollars & ninety cents Marshal is in possession in twenty eight cases & Law

415

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated _____ 187

Received at N. E. COR. 14TH ST. AND PENN AVE., WASHINGTON, D. C.

To 4

READ THE NOTICE AT THE TOP.

Possession of about ninety five thousand five hundred logs & one million one hundred & seventy four thousand six hundred & thirteen feet of lumber value at one hundred and two thousand six hundred and forty eight dollars

These cases are all causing daily Expenses at present

4.6

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated _____ 187

Received at N. E. cor. 14th St. and Penn. Ave., Washington, D. C.

To _____ &

READ THE NOTICE AT THE TOP.

There are six deputies and fourteen keepers in service in a few days I expect to reduce the force to four deputies & eleven keepers The average number up to a short time since has been six deputies & thirty three keepers in this service the expenses have been about seven thousand five hundred dollars to date can be

417

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated 187

Received at N. E. cor. 14th St. and Penn Ave., Washington, D. C.

To 6

Carried on in the future on
twelve hundred dollars per
month more fully by mail

J J Gainey
Deputy in Charge

306 Collect GR

Hax

418

READ THE NOTICE AT THE TOP.

So Dist. of Miss.

172

DEPARTMENT OF JUSTICE.

Received Febry 22, 1878.

Dated " 21, 1878.

From J. L. Bradford.
Dpt. Asst U. S. Atty.

SUBJECT.

Telegram rel. to log Cases in La.

ACTION.

Filed Feby 23. 1878

Gen'l

419

Blank No. 1. G299 Govt

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. 64 c WILLIAM ORTON, Pres't.

Dated New Orleans La Feb 21 1878

Received at N. E. cor. 14th St. and Penn Ave, Washington, D. C. 5:40 P m

To Chas Stevens

Atty Genl Washn D C

READ THE NOTICE AT THE TOP.

Have Conferred fully with District Attorney here who says he is doing and will do all that can be done respecting your letter to him through him of fourteenth instant he thinks all will be satisfactorily closed Carter and I start to Jackson Miss this tomorrow

J. L. Bradford

34 Pd 90 Cur

4201

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Febry 28, 1878.

Dated " , 187 .

From H. R. Ware
Dist U. S. Atty.

SUBJECT.

Rel. to action taken by U.S. Atty in trial of Franchise cases &c. &c. giving his views upon same.

ACTION.

Ans. March 2, 1878.

421

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

Sir

I feel that my duty, Coupled with my interest, and Self respect demands that I should write you a frank undisguised letter, and trust to your indulgence, in believing that I am constrained reluctantly to do so. Reluctantly because I fully understand my doubly subordinate capacity in your Department. And again, because I well remember how much already you have been annoyed by important complications in this District, these Considerations here restrained me heretofore, and Cause me to write even now with regret and mortification in reference to individual matters. You doubtless are to some degree aware of the fact that between the Chief Clerk of this Office, and Myself a difference of opinion in regard to the prosecution of a certain Class of Offenders in this District. I chiefly, I allude to the

422

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

Franchise Cases and the Timber depredations. I trust. however my remembrance of Judge Lea's being my superior in position, as well as his age and standing has caused me not to make this difference in judgement distasteful to him, but in their manage ment in, or out of Court. to be controlled by him. but while this has been my effort. I am fully convinced that I here failed. and the views. I have entertained differing from his own. have engendered a bad feeling and a determination upon his part in conjunction with some others to here me removed, to the best of my ability. I here endeavored to allay this feeling seeing no cause why I could not entertain a contrary view upon these matters with Judge Lea as well as upon any other question of difference, but soon after receiving your letter written recently refusing to concur with the District Attorney in the dismissal of the remainder of the Franchise Cases and suggesting that in your

423

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

judgement the time had come when we should proceed
against the murderers of Chisolm and others. I said
as I thought, and still maintain, I had a right to
say that I fully agreed with the Attorney General
both law and in the fact that there should be no dismissal
as to any of these cases. that we should at least do our
utmost to punish these criminals. let the result be
what it might. I was then informed by the District
Attorney "if I claimed the right to hold & express
views in regard to these matters contrary to his, I was
an obstacle in his way and he was ready to accept
my resignation" and other language there at in
the fact which assumes. what I deny, either that
he must be the custodian of my opinions. or that
he has anything to do with my resignation. These matters
are the sole cause of difference between Judge
Lea and myself. and on account of them he seeks
to get some one more in keeping with his views.

4124

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

Certainly no one would desire him to confess this fact but I and others know it to be the only Course.

Though the loss of this place, hissing as the Confession is would be a severe blow to me. physically disabled and pecuniarily distitute as I am. yet I would not wish it if it had to be retained at the expense of my manhood and Self-Respect. if I had to maintain it by being a Party to moulding and shaping the edicts of the Court. so as to appease public clamor & prejudice and thus make of the United States Courts a pretense and a sham. while I hold a place as the Attorney for the Government to the best of my ability I propose to protect her interest, and prosecute her offenders. be they great or small. and here no ambition to prosecute myself by bending before the storm of hostility to the Government and being regarded everywhere in the State more an Attorney for the defense than the prosecution yet I stand full well if Judge Lea & some others are

435

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

to Controll both I will lose my place on this account chiefly. and further that obstacles will be persistently & systematically thrown in the way of the Marshall & the District Attie he will be forced to resign.

As to my fitness and ability for the place I hold I would respectfully ask. that the officers of the various Departments of the Government. who have had business with me before the Grand Juries. and upon final Trial should be questioned, I refer to Special Agent Dunn of the Pension Department, Mr Carter of the Interior Department. but especially to Special Agents Cornell Boyd & Chandler. of the Post Office Department who have had many Cases & much business. entrusted to me. in the Grand Jury room and in Court Room

I have tried to say nothing more than I have felt impelled to say to vindicate myself. I have said nothing as to the manner in which the suggestions & efforts of the various Agents of the Government are scoffed at or ignored

426

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

when antagonistic to public opinion here, nothing as to how the specific instructions of your own Department are utterly disregarded, if I wished to illustrate one instance when the very Records of the Court testify to that, I might cite to your Instructions printed & forwarded us directing that in no case should the Dist Attorney charge his Fee of $20 without there was in fact a Jury & trial, yet it is a fact notorious that both at the November & the present Term, though the minutes show there was a Jury & Verdict, such was not the fact in a great majority of the Cases (Internal Revenue Cases) the Defendant was not in fifty miles of the Court when the judgment was entered up, & in no such case was the cause presented to the Jury, yet the Attorney Fee is charged in direct regard to your instructions. I have written with a full knowledge of my delicate situation, Conscious that you may regard it transcending the legitimate scope of my authority yet I could not see how I could remain quiet, and submit to injustice, and misrepresentation to you Sir. who

427

I have not the honor of knowing, but who I do highly honor and respect. and which whome in my humble way I have at all times felt to fully in accord, in your endeavoring efforts to restore law and order in our State.

Upon Reflection and such investigation as you may think just to give me, you shall think it is best that I should Retire from the place I hold, indicate it to me, and I shall feel sure that you only do what you think is best for the public services. for I trust you will know that I fully comprehend, that whatever may be my becoming frustrations, or physical infirmities that these cannot be considered in the important issues of the Government welfare

But above all things do I hope that if there has been bad taste displayed in the writing of this letter. that you will believe it was intended only to present my views of my situation & that I felt I could not do understandingly without writing freely, writing to you what I have not spoken to another except in the most confidential way. respecting the faulty Commissions in our office.

Hon Chas. Devens } I have the honor to be very Respectfully
Atty General } Your obedient Servant. H. R. Ware
Washington D.C.

So Dist. of Miss

DEPARTMENT OF JUSTICE.

1878

Received March 1st 1878.

Dated " " , 1878.

From J. L. Bradford.
Sp. Asst. U. S. Atty.

SUBJECT.

Asking leave to come from New Orleans La. to Washington on public business

ACTION.

Answd Mch 1/78

Blank No. 1. 126 1158a

THE WESTERN UNION TELEGRAPH COMPANY.

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This message is an **UNREPEATED MESSAGE** and is delivered by request of the sender, under the conditions named above.

A. R. BREWER, Sec'y. Copy 16 WILLIAM ORTON, Pres't.

Dated Newarleans Mch 1 1878

Received at N. E. cor. 14th St. and Penn Ave., Washington, D. C. 1148 A

To Hon Chas Devens
Atty Gen Washdc

I respectfully ask leave to Come to Washington on important business Connected with Mississippi Timber Cases See telegram this date Special agent Carter to Interior Department

J L Bradford
Special Counsel

38 Rec'd 4R
4 7

2/

READ THE NOTICE AT THE TOP.

So. Dist. of Miss.

18/

DEPARTMENT OF JUSTICE.

Received March 1, 1878.

Dated , 187 .

From

SUBJECT.

Newspaper slip containing decision of Judge R. A. Hill in case of U. S. vs L. A. Dantzler

ACTION.

Filed

3/

UNITED STATES COURT.

In the Circuit Court of the United States, for the Southern District of Mississippi, November Adjourned Term 1877.

United States
vs.
L. N. Dantzler.

This is a rule made upon the Marshal to show cause, if any he can, why he shall not discharge from levy and seizure a number of logs and quantity of lumber seized by him under a writ of replevin sued out by the United States against said defendant. The grounds upon which the rule is based, are, that before the seizure was made by the Marshal, the State of Mississippi had sued out of the Circuit Court of the county of Jackson, in this State, a writ of replevin against said defendant, by virtue of which the same logs and lumber were seized by the Sheriff, and that under the provisions of the Replevin Act of the State, the defendant had executed his bond with approved sureties conditioned for the forthcoming of said property to abide the judgment of the Court in said suit, and that the property was so in his possession under said bond at the time of the seizure by the Marshal under the process from this Court.

There is no controversy as to the facts stated; the only question being as to whether or not the property so held by the defendant was subject to seizure by the Marshal under the writ of replevin so in his hands; the validity of both replevin writs being admitted.

It has become a well settled rule since the foundation of the Federal Government, that when property is legally in the possession of the officers of the State Courts it will not be disturbed by the officers of the Federal Courts, and that when legally in possession of the officers of the Federal Courts, it will not be interfered with by the officers of the State Courts. Any other rule would lead to conflicts, and mar the much desired harmonious action of our complex system of government. The important question to be considered is as to whether or not the property after it was released to the defendant upon his forthcoming bond, was still in the custody of the Circuit Court of Jackson county. The bond is conditioned that it shall be forthcoming to abide the judgment of the Court, if adjudged to belong to the plaintiff, and if default is made therein to pay its value and the damages sustained by the plaintiff and costs of suit. Section 1535 of the Code provides that if the property is in possession of the losing party, the execution shall command the Sheriff to take the property in controversy, if the same may be had, and deliver the same to the successful party, and if not to be had, that he make the value thereof, together with the damages and costs, of the goods, chattles, lands and tenements of the party and his sureties, against whom the judgment is rendered; or the successful party may have his *distingas* to compel the delivery of the property, together with a fieri facias, for the damages and costs.

There are several adjudicated cases by the Supreme Court of this State, recognizing the right of a claimant to personal property, to institute his action of replevin and have the property seized in, and taken out of the possession of a levying officer under writs of attachment, and fieri facias, though issuing out of different State Courts, but no case can be found where it has been taken out of the possession of an officer holding under the writ of replevin. The reason given for permitting the seizure of the property in the possession of a levying officer, under a writ of attachment or fieri facias, is, that the officer levying the process is directed to levy only upon the defendants property, and constitutes the officer the judge of what property belongs to the defendant, and if he seizes property belonging to any one else, his process is no protection to him, and he becomes liable as a wrong when in the possession of Lucas, under his forthcoming bonds were not liable to seizure by the Marshal, and that the levy was void; holding further, that they were still in the custody of the State Court; that the possession of Lucas was the possession of the Sheriff, and that property in possession of one court, cannot be disturbed by an officer under process from another Court, and especially by one holding his authority from a different source. The same rule is held in Caryl vs Taylor, 20 Howard, 583, and in Freeman vs Howe, 24 Howard, 450; the rule laid down in Hogan vs. Lucas, being referred to and approved in both cases, as the settled doctrine of the Supreme Court on this question. The rule thus laid down by the Supreme Court is binding upon this court; and under it the levy made by the Marshal in this case, must be held as without authority and void; unless the position taken and ably and ingeniously argued by the District Attorney be correct; which is, that admitting the rule to be as stated, it does not apply to a case were the United States are plaintiffs, in a suit in one of their own Courts; that in such case the Federal Court is not one of concurrent jurisdiction, with the State Court, but of paramount jurisdiction and that the United States have a constitutional right to resort to their own courts to enforce their rights.

That they do possess this right is uncontroverted, but I am of the opinion that when the United States bring suit against a citizen, for the enforcement of any real or supposed right, they can claim nothing which is not equally the right of a citizen, and that when a State is a party, the same rule is applied. There is scarcely a conceivable case in which the United States have not an ample redress in their own courts, for the enforcement of any right at law, or in equity, as the case may require without interfering with the jurisdiction of the State Courts. The writ of replevin provided by the laws of the State was not in force in the Court until adopted by rule of this Court about the time this suit was brought; before that time the United States were only entitled to an action of trover, or trespass, and could not have seized the property until after judgment upon the proper showing. The actions of trover and trespass were and are still afforded to the United States, and could be prosecuted without interfering with the possession of the property obtained by the Circuit Court of Jackson county. If the person holding the property under such bond, or a purchaser from him is about to remove the same from the jurisdiction of the Court, upon bill filed alleging the insolvency of the defendant an injunction will be granted to prevent the removal.

So soon as the litigation is ended in the State Court, the property may be seized if the defendant shall be successful, or if the plaintiff succeed, it may be secured by process of replevin against him. Any risk which the United States may run in failing to get an immediate seizure of the property would not equal the injury that would result from the conflict of jurisdiction to which the doctrine contended for by the District Attorney would lead; for it must be remembered that it would authorize the seizure in the possession of the Sheriff, as well as in the possession of any one else.

It must be admitted that there may be cases in which the ends of justice might be promoted by allowing one party to take property out of the possession of an officer holding it under another writ of replevin, especially as our replivin act does not allow third parties to intervene, as in case of attachment and execution, and to enable this to be done in one or more States, it is allowed by statute, but that an enabling statute is required, is an argument that without it, it cannot be done; none such exists in this State. A very careful consideration of the question submitted, satisfies

sureties, against whom the judgment is rendered; or the successful party may have his *distingas* to compel the delivery of the property, together with a fieri facias, for the damages and costs.

There are several adjudicated cases by the Supreme Court of this State, recognizing the right of a claimant to personal property, to institute his action of replevin and have the property seized in, and taken out of the possession of a levying officer under writs of attachment, and fieri facias, though issuing out of different State Courts, but no case can be found where it has been taken out of the possession of an officer holding under the writ of replevin. The reason given for permitting the seizure of the property in the possession of a levying officer, under a writ of attachment or fieri facias, is, that the officer levying the process is directed to levy only upon the defendants property, and constitutes the officer the judge of what property belongs to the defendant, and if he seizes property belonging to any one else, his process is no protection to him, and he becomes liable as a wrong doer like any one else. The same doctrine is held by the Supreme Court of the United States in the case of Buck vs. Colboth, 3 Wallace, 334. In that case Justice Miller in delivering the opinion of the Court draws very clearly the distinction between the two classes of process, and holds that the officer levying a writ of attachment or fieri facias, being constituted the judge of the property belonging to the defendant, must act at his own peril, and if he makes a mistake must answer for it without the protection of the Court from which his process issues; but when he seizes the property specified in his process, he is not so liable, and will be protected by the court; he, however, must know that it is specified in the process, for if he makes a mistake and seizes that not specified, he is liable as other persons. In this opinion the case of Hogan vs. Lucas, 10th, Peters 400, is referred to and approved. In the latter case, the facts were substantially these: Hogan obtained judgment against Bynum and McDade in the Federal Court for Alabama, upon which execution was issued and levied upon certain slaves in the possession of Lucas as the property of the defendants; Lucas claimed the property, and gave bond for the trial of his right of property, as provided by the laws of Alabama. Upon the trial of this issue it was proved that the same slaves had been levied upon by executions issued from judgments in the Circuit Court of Montgomery county, Alabama, in favor of different persons, and Lucas claiming them gave bond as provided by the statute for their delivery to the sheriff to answer the judgment of the court should the right be decided adversely to him upon the trial of the right of property in that court. The case being removed by writ of error to the Supreme Court, the judgment of the Court below was affirmed; the Court holding that the slaves

cessful, or if the plaintiff succeed, it may be secured by process of replevin against him. Any risk which the United States may run in failing to get an immediate seizure of the property would not equal the injury that would result from the conflict of jurisdiction to which the doctrine contended for by the District Attorney would lead; for it must be remembered that it would authorize the seizure in the possession of the Sheriff, as well as in the possession of any one else.

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R. A. Hill, Judge.

MES AND

WITH MALICE TOWARD NONE--WITH

JACKSON, MISSISSIPPI, TUESDAY FEBRUARY

AUDITOR'S REPORT.

Hon. W. H. Gibbs, late Auditor of Public Accounts, who was elected by the Republican party in 1873, has served the State, it is universally conceded, faithfully and well during the past four years. His annual report, just published is able and comprehensive. Receipts during the year 1877, were $882,044.83; Disbursements for same period, $697,018.86; Excess of receipts over disbursements, $185,025.97. Maj. Gibbs closes his report, which is too lengthy for publication in these columns, as follows:

In doffing official robes and donning the more quiet garb of a private citizen, I desire to express my thanks to His Excellency, the Governor, and to the other State officers, for their uniform kindness and courtesy, officially and personally. To all the officials in the various departments, State and county, I desire to return thanks for the prompt and efficient manner in which they have aided me in the discharge of my official duties, and trust that the friendly relations established in official capacity, may be renewed and continued in the more quiet walks of private life.

To the press of the State, I am under many obligations for courtesies extended, in giving publication, "without promise or hope of reward," to many matters of interest to the public, and also, for many kind personal favors.

To Col. Jones S. Hamilton, Deputy Auditor, Capt. W. Q. Lowd, Mr. H. Hines, Mr. John H. Echols, Mr. Robt Brasher, and Col. C. A. Gougher, I am under many and lasting obligations for the prompt and efficient and courteous manner in which they have discharged their several duties. To these gentlemen, I am indebted, very greatly, for whatever measure of success has been achieved in the conduct of the office, and for whatever degree of commendation the public have deemed proper to bestow on our efforts to please.

I have been impelled to say this much in closing this report, the last I shall make officially, from a sense of justice to them, and duty to myself; and while it may not be strictly in order in a report of this character, I shall crave your indulgence to still further say, that it has been my ambition, as a public official, to do all in my power to assist in building up the material interests of our State, to promote the welfare and prosperity of her people, and to maintain her credit at home and abroad. And now, as a private citizen, it shall be my pleasure, as well as my duty, to do all in my power to the same end. In retiring from office, I shall not retire from the State, but casting my lot among you, I shall, in my weak way, do all that I can to secure and deserve the esteem and approbation of my fellow citizens.

PROPOSED CHANGE OF VENUE IN CRIMINAL CASES.

We do not pretend to speak by direct authority of His Excellency Governor Stone, but we are fully convinced that he is earnest and sincere, and determined to use all the power given him to enforce the laws, punish crimes and preserve the peace. To this end, we learn, from what is deemed reliable authority, that he is in favor of the enactment of a law authori-

BULLDOZING—SOME SENSIBLE SUGGESTIONS.

The following is an extract from the report of the Grand Jury of Lincoln county, recently discharged:

The Grand Jury have made special efforts to investigate cases of incendiarism and bulldozing, which have occurred, and summoned many witnesses, parties suspected and unsuspected, and were not long in discovering that even the best citizens stood in fear of giving evidence freely, who resided in the neighborhoods where the crimes were perpetrated.

We were not long, however in getting up sufficient evidence to bring us to a unanimous conclusion, that each neighborhood did its own burning and bull-dozing, or rather the main leaders who incited the crime did not reside far from the place where the crimes were committed. This conclusion exploded the idea often repeated that the perpetrators of these crimes were a mysterious clan of men, who traveled from a distance on shod horses, and appeared and disappeared like visions.

The Grand Jury have grounds of suspicion against many parties, against whom they have not preferred indictments.

Where a set of men sworn together for diabolical work, purjury stands very little in the way of proving an alibi when part of the clan get in trouble.

If the indictments brought in do not furnish sufficient admonition to parties who have escaped, to cause them to desist from their crimes, we hope the State government will furnish the aid of secret service to discover the authors of past crimes, as well as those of the future.

The jury in the case of the persons on trial before the U. S. Court at Jackson, Miss., for the murder of Judge Chisolm, in Kemper county, brought in a verdict of not guilty.—Columbus (Ga.) Enquirer-Sun.

No one has been tried in the United States Court for the murder of Judge Chisolm, and that Court has no jurisdiction in the premises. The trial referred to, was on indictments found for alleged violations of the Federal Franchise Laws, in hindering and obstructing Judge Chisolm in the advocacy and support of his election as a member of Congress. Our cotemporary should have known that the crime of murder, is an offense against the State, and that State Courts only, can take cognizance of such offenses.

The following brief paragraph from that able journal, the Nation, contains much food for reflection:

A thousand roads to prosperity have been tried by various people in various ages since the dawn of civilization, but one only has ever been found safe and easy for any people which sought to be both free and secure, and that lies through respect for plighted faith, for just weights and measures, for upright judges, and for the recorded experience of mankind. Any party which in a civilized country, makes light of these things may reign for a while as mobs reign, but it cannot reign long, for even the social instincts of the race fight against it.

A Washington special to the Cincinnati Commercial says:

There is much indignation among Republicans on account of the indictment of Corbin in South Carolina, and

ther say, that it has been my am-
on, as a public official, to do all in
power to assist in building up the
terial interests of our State, to
mote the welfare and prosperity of
her people, and to maintain her
lit at home and abroad. And now,
a private citizen, it shall be my
sure, as well as my duty, to do
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ring from office, I shall not retire
n the State, but casting my lot
you, I shall, in my weak way, do
that I can to secure and deserve
esteem and approbation of my fel-
citizens.

OSED CHANGE OF VEN-E IN CRIMINAL CASES.

e do not pretend to speak by di-
authority of His Excellency Gov-
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Murder of Congress. Our cotempor-
ary should have known that the crime
of murder, is an offense against the
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A Washington special to the Cincinnati Commercial says:

There is much indignation among Republicans on account of the indictment of Corbin in South Carolina, and the manifest disposition there to prosecute upon a state of facts that would not be noticed was Corbin a Democrat. While this is going on, and the Republicans are run out of the or into the penitentiary, there is isposition to disturb the Ku Klux hroats who carried on business t the same time. The proposi- that past offenses were to be ned in South Carolina and Lou- seems only to apply to Demo- criminals. Under the new dis- ation they are not troubled.

THE Natchez Democrat is pleased y the delegation from Adams y, in the State Legislature, the ving high compliment:

. Lanneau is regarded as one of blest and clearest debaters in the e, and Mr. Baker justly has the ation of being one of the most und thinkers in the House. Al- h Mr. Chamberlain does not speak, he is a most indefatiga- d patriotic worker. Mr. Geo. ington, one of the few colored bers of the House, is always in at, and always votes for the best sts of his constituents.

. Walpole died at 10 o'clock esday night. Cut off in the of her usefulness, she leaves tle children bereft of the kindly rations of a mother, and a hus- singularly attached to her. The true character of this eminently ian lady had drawn around her t of friends, who now mingle ears with her husband and chil- whom may God comfort and n in this dark hour. Her re- were taken to Montgomery y for interment.—[Kosciusko

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So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received March 5th, 1878.

Dated March 4th, 1878.

From H. R. Ware.
Asst U. S. Atty.

SUBJECT.

Telegram rel. to his acting with Mr Bradford in timber suits

ACTION.

File

Jane

5

Blank No. 1. 189 1588

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated Jackson Miss Mch 5 1878

Received at N. E. cor. 14th St. and Penn. Ave., Washington, D. C. 53 Pm

To Hon Chas Devens

Atty Gen Washdc

READ THE NOTICE AT THE TOP.

In accord with your views expressed in Communication of the twenty sixth I write Mr Bradford that I will be with him at Scranton on the eleventh or otherwise as he may direct with view of acting with him in the timber suits

H R Ware
asst Dist atty

57 Collect HR 99

So Dist. of Miss.

185

DEPARTMENT OF JUSTICE.

Received March 4, 1878.

Dated " " , 1878.

From J. L. Bradford.
Spl. Asst U. S. Atty.

SUBJECT.

Telegram rel to sending of his report as requested by dispatch of 1st inst etc.

ACTION.

Answd Mch 4/78

DEPARTMENT OF JUSTICE

Telegram

4/ GVT.CLII. NEW ORLEANS MAR.IVTH. HON.CHAS.DEVENS. ATTY.GENL.

197 — 1891

TY.GENL. WASHN.DC. YESTERDAY I MAILED MY REPORT CALLED FOR BY YOUR DISPATCH O

DISPATCH OF FIRST INST. WITH PAPERS. HAVE JUST SEEN PRINCIPAL DEPUTY MARSHAL FR

MARSHAL FROM SCRANTON WHO TELLS ME ALL BUT ONE PROMINENT MILL MAN HAS BON

MAN HAS BONDED AND TAKEN PROPERTY AND BONDING GOING ON STILL . J.L.BRADFORD.

ND TAKEN PROPERTY AND BONDING GOING ON STILL . J.L.BRADFORD. LIIPAIDE.GVT.

S Dist. of Miss

188.

DEPARTMENT OF JUSTICE.

Received March 6, 1878.

Dated [illegible] 5, 1878.

From L. Lea.

U. S. Attorney.

SUBJECT.

Telegram rel. to his duty. his removal &c.

ACTION.

Answd Mch 6/78

101

Blank No. 1. 459 — 11,100m

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A. R. BREWER, Sec'y. 22 NO WILLIAM ORTON, Pres't.

Dated Jackson Miss Mch 5 1875

Received at N.E. COR. 14TH ST. AND PENN AVE., WASHINGTON, D. C. 1052 pm

To The Attorney Genl

Washn D,C

READ THE NOTICE AT THE TOP.

For proper discharge of duty
Enjoined by your letter of
Second inst immediate visit to
Coast necessary but if I am
about to be removed may
not duty be more satisfactorily
performed by successor. Please advise
distinctly what you desire and

"/

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated _____ 187

Received at N. E. cor. 14th St. and Penn Ave., Washington, D. C.

To 2

READ THE NOTICE AT THE TOP.

I am to expect

L Lea

U S atty

56 Collect GR

ABV

2/

So Dist. of Miss

188. DEPARTMENT OF JUSTICE.

Received March 6, 1878

Dated " " , 1878.

From J. L. Bradford.

Sp. Asst U. S. Atty.

SUBJECT.

Telegram rel. to bill for Special Term of Court for trial of timber cases, etc.

ACTION.

Answd Mch 6/78

13

Blank No. 1. 147 1387

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. 33 Goat WILLIAM ORTON, Pres't.

Dated Newarleans Mch 6 1878

Received at N. E. cor. 14th St. and Penn Ave., Washington D. C. 12 7 Pm

To Hon Chas Devens

Atty Gen Washn

d/c

READ THE NOTICE AT THE TOP.

I wish to start this
evening to Scranton. it is
important to know if bill
for special term there will
be appraised & if so whether
or not requirements as to
ten days notice will render
act imperative we Cases
not on the merits gain
any cases we think under
this bill

J L Bradford

62 hdqr u s

14

So Dist. of Miss

188.

DEPARTMENT OF JUSTICE.

Received March 6, 1878.

Dated " ", 1878.

From Thos W. Hunt.
U. S. Marshal.

SUBJECT.

Telegram rel. to expenses of Court &c.

ACTION.

Answered March 6. 1878.

15

Blank No. 1. 72 1120 am

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y 7 NO WILLIAM ORTON, Pres't.

Dated Jackson Miss Mch 6 1878

Received at N. E. cor. 14th St. and Penn Ave., Washington D. C. 11 05 A

To Atty Gen Devens

Washn D C

READ THE NOTICE AT THE TOP.

Judge Hill has ordered Court to be held at Scranton Next Monday I have not funds sufficient to bear Court expenses with forty five hundred dollars amount of my last requisition will make the endeavor I hope to settle everything Please send draft immediately for that amount

Thos N Hunt
U S M
57 Collect GR
UJ

OF JUSTICE

Received March 7, 1878.

Dated " 2, 1878.

From L. L. Bradford

Sp. Asst U. S. Attorney.

SUBJECT.

Report rel. to his objections to bill providing for a Special Term of U. S. Circuit Court So. Dist of Miss

ACTION.

Answd. Mch. 7. 1878.

17/

CONN. VALLEY
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No 18.

DEPARTMENT OF
MAR
7
1878
JUSTICE

114 Natchez St.
New Orleans La.
March 2nd 1878

Honorable Charles Devens
Attorney General of the United States
Washington D.C.

Sir;

In response to your dispatch of the 1st inst. requesting me to report fully by mail the objections to the bill which has just passed the Senate & which had passed the House, providing for a special Term of the Circuit Court of the United States for the Southern District of Mississippi, to be held in Scranton, Jackson County Mississippi; for the immediate disposition of the suits brought by the United States against certain timber depredators, I have the honor to submit to you the following.

After the agents of the Interior Department had, in the latter part of last year, made such preliminary investigations upon the ground in the theatres of timber depredations in Mississippi in the counties on and near the Gulf coast, they proceeded to Jackson Mississippi, where the regular terms of the Circuit & District Courts of the United States for the Southern District of Mississippi are held, and laid before the assistant Attorney for the United States the facts, supporting them by affidavit. Thereupon that officer, influenced, as I am informed by

Mr. Luke Lea, the District Attorney, who was himself absent in Vicksburg at the time, by the precedent established in Louisiana of proceeding under the writs of sequestration, drew up and subscribed a petition to Judge R. A. Hill, District Judge, then at his residence in Oxford Mississippi, praying for a writ of sequestration, upon the allegations of the affidavits. The Judge considered the petition & proofs and thereupon endorsed his fiat on the former, directing a writ of sequestration to issue to the Marshal in the form and manner prayed for &c. When such petition and fiat were filed with the Clerk at Jackson the District Attorney had returned & then discovered, as he thought, that a mistake had been made, as the laws of Mississippi were strangers to such writs. However, as the Judge had granted a fiat, as was supposed with due consideration, the Counsel for the Government took no further action than to advise the Clerk in preparing the writ to follow the allegations and prayer of the petition and the requirements of the fiat as closely as possible, and thus to improvise a process, which, though unknown to law and usage, might conform to the necessities of the case and afford machinery whereby the Marshal might obtain custody of the property in question. And as such property was situated in at least three counties he deemed it advisable that the writ should issue in triplicate, in order that the different deputy

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Marshals might simultaneously make the seizures in all of them. This was done, & the early result was the seizure in the three sea coast counties of Hancock, Harrison & Jackson, by the Deputy Marshals, of large quantities of Pine logs, lumber, charcoal & square timber. This action was promptly followed by a motion on the part of the defendants named in the writ to quash the same while the Marshal was proceeding to make further seizures in counties adjacent to and northward from those above mentioned.

The District Judge, Hill, heard the argument, allowed the motion to prevail, ordered the writ quashed & the Marshal directed to release all property seized thereunder. The motion could not be denied, because the process of sequestration familiar to the Civil Law system of Louisiana, thence employed by the United States Courts therein, was unknown to the common law of Mississippi & hence there was no authority for its employment in the Federal Courts there.

This mistake of the Judge was bad enough in law, but in its practical results upon the rights of the United States, plaintiffs in such writ, it was disastrous. And I will now show why it was so. The proceedings in Louisiana had given the note of warning to the depredators in Mississippi, & it only needed such a fiasco as I have described, with its attendant excitement and publicity, to throw the whole depredating interest into a

State of Solid active resistance. Counsel were immediately employed to happy ruse hit upon. The sequel will show how succesful it has been. Under the act of Congress of 28th September 1850 (9 Stats. 519) Mississippi & Alabama had acquired title to very extensive areas of swamp and overflowed lands within their respective limits, & as either State might become plaintiff in the County courts of the former and avail itself of all the privileges & benefits of the action & writ of Replevin under the laws of Mississippi, which writ the United States subsequently resorted to, it was arranged that, before the agents of the United States could retrieve the Error committed by Judge Hill & seize the property again under Legal Process, the said States themselves should seize the very same property under replevin process issuing from the courts of the counties where the timber had been found. For this purpose agents of Mississippi & Alabama hurried to such counties, made affidavits alleging that the logs, lumber &c. had been taken from the swamp lands of their respective States, ob= =tained writs of Replevin under them the Sheriffs of such counties seized the property. As if to finish up the plan, the Defendants quickly gave bond, the property was released to them, only to be again seized by the Marshal under writs of Replevin which by that time the judge had issued in behalf of the United States. But in the Circuit Court cases of United States vs. L. N. Dantzler Nos. 2548 & 2571, upon a motion for a rule on the Marshal to show cause why

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his seizures should not be released as made upon property then constructively in the custody of the State courts, such seizures by the Marshal were declared illegal by Judge Hill and an order was issued compelling him to release the property. I will remark that the forthcoming bond given to the Sheriff by the Defendants in the Dantzler cases was conditioned for the forthcoming of the property itself, & I presume the similar bonds given in the other cases affected by the Dantzler decision were conditioned in like manner —

Those cases were

No. 2525 U.S. vs. Bercier & DeSmet

" 2543 " " " "

" 2550 " " A.C. Danner & Co

" 2568 " " " " "

I make this observation to show that the action of the States was in the interest of the Defendants. For so soon as they got possession of the property, as I am informed by Mr. M.A. Carter, Special Agent for the Interior Department, who has lately been on the ground, they proceeded & are proceeding, to violate their bonds, by the shipment of the lumber, & the rapid manufacture of the logs into lumber for shipment, beyond the limits of the State & the jurisdiction of both Federal & State Courts. And surely this would not be the case had sufficient security been given on the bonds, or any honest and real interest in the proceedings been manifested

on the part of the local authorities who see those things going on in their very presence.

And here I will further remark that I am obtaining proper affidavits upon which to file bills on the Equity side of the Circuit Court at Jackson Miss. for injunctions to restrain such defendants from removing the property as stated.

Because our actions in Replevin in the Dantzler cases those above described are still pending, although the property upon which, perhaps upon which alone, we could realize in the event of success was wrested from our control. Hence we have such an interest as entitles us to see that the property is not taken beyond the jurisdiction of the State Courts

The State agents alleged that the prop=erty was cut without lawful authority from the Swamp lands of such States donated by act of Congress, the agent for Alabama alleging that the logs cut in that State had been floated down the streams leading from the South western counties of that State, into the South eastern counties of Mississippi where the same had been found. Now it is well known that no preliminary examination in the field had been made by those States upon which such allegations could safely be made on oath; that never before had either State been fit to employ such a remedy or any remedy for the protection of its swamp lands from depredations; that such swamp lands from their very nature and character seldom bear pine forests of the

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grain & symmetry) desirable for milling or exportation, such character of pine being almost exclusively confined to the poor high pinelands belonging to the United States. Then too the simultaneousness of the seizures by the States, the fact that they caused no excitement or opposition among the mill men or the people, that they followed so quickly the releases of the Marshal, that no other seizures or even suits without seizures have been made or instituted, all tend to show that the proceedings of the States were not bona fide but were mere covers under which the depredators might elude the grasp of the real party dammified, the United States. The State Circuit Court for Jackson County Mississippi is to be held in April next, when the State suits referred to will be triable, under the State practice suits in replevin must be tried at the return term unless for strong reasons to the contrary. Yet we can hear of no preparations for trial on the part of the States, especially in the all important matter of surveys, which in the United States cases we look upon as almost indispensably necessary to identify the lands despoiled thus to afford a basis of proof which will connect the particular lots of logs or lumber seized with such lands.

In Mississippi there is an officer called the "Commissioner of Swamplands," whose duties seem to be to supervise the administration and disposition of the Swamplands of the State.

That officer submitted on 31st. December last his first annual report, a printed copy of which I now transmit to you, inviting your attention particularly to his remarks on pp. 10 & 11. It is he who inspired the hostile State proceedings on the part of Mississippi heretofore alluded to. The "Krebs list" to which he refers, embraced, as he informed me personally during my recent visit to Jackson, a very large amount of land, all of which he told me the State, under the act of Decr. 3rd. 1861, had disposed of. These lands are situated, so he informed me, in Jackson County & six counties north of it. We have reason to think that much of the depredation in those quarters has been committed on lands sold by the State of Mississippi under her pretended title. I applied to Mr. Smylie, the Swamp Land Commissioner, for a certified copy of the Krebs list, offering to pay a Clerk for preparing it, & although he promised I should have it in a day or so, yet he has not yet furnished it or written me about it. Whether Alabama has or not a similar officer I do not know.

The orders of Judge Hill granted from time to time in the Timber Suits instituted in the Circuit & District Courts at Jackson Miss. must speak for themselves. I cannot now characterize them. Such copies as I have been able to procure are herewith submitted

At the first some of the orders favored the

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Government, but of late they are all strongly against it. The Marshal has been manacled in the execution of writs, the inventory, appraisement and custody of property, - novel requirements restrictions totally unknown to law usage, have been imposed upon him in releasing property on bond. In this regard I invite your attention to the letter of L. Lea, the District Attorney at Jackson, to the Judge, dated Dec. 7th 1877, a copy of which he sent you in his letter of Dec. 12th 1877. But although the Judge receded from the position he then held in consequence of the remonstrance of Mr. Lea, yet of late he has retaken it now insists on prescribing scales of value from his office at Jackson or Oxford Mississippi, by which the Marshal shall be guided in estimating the value of property on the sea coast applied to be bonded by the Defendants.

And this although the law clearly leaves such functions to the Marshal. The painful fact must be stated: The depredations upon all the valuable pine lands along the Gulf of Mexico, whether in Fla., Ala., Miss., or La., whether Federal State or County property, have been so long & generally carried on by all clases of people, according to their respective stations in life, that they have become in the minds of the masses a matter of common right, of customary & prescriptive privilege, which none dare oppose without making himself odious to the people around him. From time to time the Government has put forth feeble efforts to stay the hand

of the despoiler, but never with the slightest success until the present heads of the Interior Department & General Land Office saw fit to grapple with the evil. It is doubtless very true that even in the midst of the people engaged in the different fields of depredation many persons could always be found opposed to such lawlessness & in favor of its suppression.

But such have been few when compared with the many allied by ties of blood, interest or sympathy with the depredators, & their opposition at best has been but negative. Many of them, owners of timber lands themselves, unable to realize from them when all were free to take from the public domain, were silently supporters of the Government policy which sought to compel every one to obtain his timber supply from the owner of the soil. Such large portions of these States have been and are covered with valuable pine forests, such large numbers have been & still are directly or indirectly engaged in, or in some way dependant upon the robbery, so much capital is employed in the cutting, hauling, rafting, sawing & transportation abroad of the timber, that the agrarianism, if I may so call it, seems to defy the Government in all its branches to drive it from its strongholds. Like the Whiskey ring its friends are many and powerful. Striking ~~at~~ when it did during a period of depression and gloom,

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The measures of the Government were inavoidably followed by ~~some~~ suffering among the poorer laboring classes. And the american heart, always sensible to the appeals of distress, has looked more to the fact of suffering than its cause.

Congress itself has yielded to the impulse that shown its sympathy in many ways for the despoiler of the public property - It refrains from voting means to enable the land department to make the necessary surveys & field examinations so essential to success at the trials to take place in May next - Such surveys are, in three fourths of the suits, absolutely necessary to identify the land despoiled, & to afford a basis or commencement of proof - Yet although the Circuit Court of the United States will begin at Jackson Miss. on the 6th of May next, when all the cases will, if Judge Hill presides, be tried or dismissed, we are unable to put a single surveyor in the field. And even if we now had funds enough to start three of them to work, it is questionable if maps & filed notes could be furnished them, their operations superintended, their localities for work selected, their work completed & returns made in time for Court.

But if this doubt exists with nearly two months ahead of us, what can be said if we are forced to trial this month under the bill now before the President providing for a special term of Court at Scranton, with neither funds to make surveys nor time to make them if we

had funds? I have not seen a copy of the bill as it paped the Senate, but as it passed the House (& I believe it went through the Senate without change), it amounted in its inevitable results, to a bill, I should do have been entitled, "to discriminate against the United States & put a premium upon the robbery of their public lands." When in Jackson lately I discussed the bill, as it was then pending before the Senate, with Mr. Luke Lea who told me that if it became a law and Judge Hill went to Scranton to try the cases he would not hold Court there over three days. That he would interpret the bill to be a legislative injunction upon him to dispose of the cases at that Special term & that in no event would he grant continuances. Mr. Lea agreed with me that it would be impossible for the Government to be ready for trial in any of the cases by the time designated in the bill for holding the Special term, about the middle of March, & that under all the disadvantages the Government would labor under nothing would be left to us but to submit to non-suits as fast as continuances were refused in each case. And I will now try to show briefly some of those disadvantages

1st No jury could be obtained in the very heart & center of the timber war which would be free from the bias & prejudice prevailing there against the United States

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their agents. Scranton is a small way
station on the New Orleans Mobile Railway
in Jackson County Mississippi which County
contains nearly all the Mills, Lumber & Capital
in Miss. affected by these Repressive measures
of the Government. There the excitement
& opposition have been hottest, & there the
distress, whatever it may have amounted
to, has been endured. It is 283 miles
by rail (the only practicable route) from the
regular place of holding the United States
Courts for the District & unsuited for the
transaction of business, the entertainment
of Attorneys, Jurors Witnesses. Under the
Jury laws of the United States, (Secs. 802
& 805 Revised Stats. U.S.), who can doubt
from the past history of these cases,
that the juries would be drawn from the
sea board counties & from the population
whose whole prosperity, whose very life-
blood, so to speak, depends upon the suc-
cess or failure of the Government in the
very causes they would be empanelled to
try? And even if Counsel for the Government
might possibly obtain juries from the northern
parts of the district where the communities
though less allied in interests are yet nearly
as much so in sympathy with the depredators,
who could be blind to the inevitable con-
sequence of bringing them to Scranton &
exposing them to the influence of passion,
the dictates of interest & the solicitation

of friends? It is not too much to say that such is the temper & sentiment of the people in Jackson County that Scranton, situated as it is under the very shadow of the immense milling & lumbering establishments near it, that few men, being jurors or witnesses, however impartial, could have the moral courage & fortitude to hold out & stand for the right. Jury trials under such surroundings and under the contol of Judge Hill would be the veriest farces. The bill forcing the United States to trial down there, was not & is not necessary for the speedy settlement of the suits, the resumption of labor at the mills & the revival of industry & prosperity. All of the substantial benefits of those desirable things can be and are now in point of fact being rapidly obtained by the bonding of all property seized & the speedy release to the defendants in the suits.

The Marshal is even anxious to let all property go where bonds reasonably good are offered, & so rapidly are the defendants availing themselves of this right, (one absolutely denied by the Judge to the United States as plaintiffs), that Judge Hill assured me in person on the 20th Ult. as a reason for refusing the United States the right to receive the property as if under bond & security, that he had good reason to believe all of it would in a few days

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be bonded by the defendants. Hence there is no good reason for the haste manifested by the bill -

2nd " The government being actor in the suits must assume the burden of proof necessary to show the very tracts of land depredated upon, & that such tracts were the prop= =erty of the United States.

The title of the Government to the lands north of the 31°. of north latitude is found in the "Articles of agreement & cession between the United States & the State of Georgia" of 24th. April 1802; & to the lands South of that line in the treaty with France of 30th. April 1803 or the treaty with Spain of 22nd. February 1819. Yet these instruments cannot be pleaded as titles, because of their indefiteness & Exceptions - It is manifest therefore that the records of the land offices & the old Surveyor Jeneral's Office for the State of Miss. must supply the evidence & the only evidence practicably suited to making out a case for the government. Now by law all the land offices in Miss. are consolidated into one and it is situated at Jackson the Capitol of the State.

The office of Surveyor General was wound up & abolished in 1850 its records are in the custody of the Secretary of State for Miss. at Jackson - I speak from much experience in such cases when I say that to attempt to

show to a jury at the little out of the way
station of Scranton the facts affecting spe-
-cific tracts of land, involving the question
of survey, extant title thereto, with all
the extensive often imperfect till arranged
records which are the legal repositories
of such facts nearly three hundred miles
away, would be the wildest thing a
lawyer could hope to do - There is no
authority of law or principle of evidence
authorizing or requiring such voluminous
public records to be taken from the
public offices where they are deposited
for the use of the State ther people, to
be transported to such a distance. And a
moments reflection will show that proving
all the government will have to prove
is practically impossible by copies and
extracts from such records. The time &
expense of procuring such proof in such
mode would be very great - The onus on
the government is in the nature of proving
a negative - The proving that she has title
amounts to only this, proving that no
individual has title. Now if the
defendants were compelled to show affirm-
-atively their titles, if any they have, how
easy the task. They would simply plead
their patent, certificate or cash receipt,
or copies or records of them. But the
title of the United States, depending upon
the absence of title in the individual,

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can only be shown in a negative manner, by submitting the records to an intelligent & fair minded jury & letting them draw the conclusions.

In conclusion I will say that when & after the seizures of logs & lumber were made in the South Western part of Louisiana, the policy & agents of the Government were assailed in one common universal voice of abuse & condemnation. Even greater excitement turmoil & opposition were aroused there than in Mississippi, troops had to be sent to Lake Charles & are still there, to enforce the process of the Courts & protect the property seized. So far as clamor & denunciation excitement newspaper wrath could prove anything, the Government & its servants were shown to be heartless oppressors of innocence robbers of honesty & toil. Yet now that the noise has ceased & the smoke & dust have cleared away, & the passions of men are at rest what do we see? In June last the Interior Department put an active competent surveyor to work & he has made most of the surveys necessary to identify the lands cut upon, & as he has progressed the people have become perfectly satisfied that the great mass of the timber had been cut from the public land. There is but one intervenor, I am informed by the

U. S. District Attorney here, among all the defendants & intervenors in the Calcasieu seizures, who makes any defense. All the rest are willing to confess judgment on condition that they will be relieved from payment of costs.

And in the less extensive seizures in Livingston & Saint Tammany Parishes in Louisiana, the government having been able to have many of the despoiled lands surveyed & thus identified, the results are readily as good for the Government.

And we therefore think & have reason to think that in the end the Mississippi cases will be the same. There however the difficulties are greater both physically & morally. The fields of depredations are situated further from the localities where the logs & lumber were seized, they are further apart and scattered about on long streams leading far into the interior. To select these spots so depredated upon, to survey them & identify with them the specific lots & brands of logs seized often many miles away, & then to show the public character of the lands, are some of the difficulties we have to overcome. And without a dollar to make surveys with, with the prospect of being forced to trial instanter in a hostile locality, it would be folly to go into court. If the bill to force us to trial this month, or

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Even next month at Scranton becomes a law, we have nothing left us but to dismiss every case

Very Respectfully
Your Obt. Servt.
James L. Bradford
Special Counsel.

P.S.

I have telegraphed the Clerk of the U.S. Circuit Court at Jackson Miss. to send you, as a part of this report a copy of an order of Judge Hill which I have not in my possession

J. L. B. & C.

Copies
of orders
of
Judge R. A. Hill
in suits of the
United States to
suppress timber
depredations—

Circuit & District
Courts for the
Southern District
of Mississippi

In the Circuit Court of the United States for the Southern District of Mississippi

November Term A. D. 1877
Saturday 4th 1877

2529 The United States vs. E. F. Griffin & Co. and in all like suits by the U. S. against other persons } Upon a full hearing of the matter of the arrest of Jno. E. Clarke Sheriff of Jackson Co. Miss. under a charge of contempt of this Court and the evidence adduced before this court therein, as also upon other evidence shown to the Court, on the motion of Thos. N. Price in open court the following order is made in the cases above stated referred to which is also intended to be applicable to all similar cases now in, or which may be brought in the District Court of said District it is therefore hereby ordered so to apply in all such cases as follows to wit:

The Marshal of said District is hereby ordered and directed in the execution of the several writs which may now be in his hands or in the hands of his deputies or any of them in the above mentioned cases or any

of them, or any similar writs which may hereafter come to his possession, not to levy the same or any of them on any property which has been first levied upon by any Sheriff of any County in the said Southern District of Mississippi, whether such property be in the possession of any such Sheriff or under any bond taken by such Sheriff the same may be in the possession of either party to any pending suit in any State Court of competent jurisdiction in said District. The levy by the Marshal on any property held under such bond taken by any such Sheriff will be an interference with the jurisdiction of such Court as may have the control of the case in which the original seizure was made, And the Marshal is hereby further ordered to confine himself strictly to the mandate contained in such writs and to seize or take no property whatever from the possession of any person whatever not named in the writ, or some person holding for the defendant unless ~~the~~ there be special direction in the writ so to do.

And not to seize or take any property or cargo, or part thereof after the same

has been received & receipted for by the Captain or Master thereof for transportation for or on account of any other person or persons other than the Defendants in such writs unless such writ contains special direction for such seizure. And the Marshal is further instructed that he has no legal right by virtue of the seizure of property named in any of said writs to keep ~~keep~~, hold or detain, any lumber yard, vessel or Boom upon, or in which such property may be found when seized, without the consent of the owner or person having the possession & control of such lumber yard, boom or vessel or other place where such seized property may be. Provided the same can reasonably be removed ~~and the retention~~ and the retention of said property upon the premises of the Defendant or owner of such premises will not be molested in the occupation & use thereof any further than is absolutely necessary. The Marshal is hereby ordered & directed to release any property seized by him, if any, contrary to the provisions of this order, forthwith -

Ordered this Dec. 1st 1877

R. A. Hill

Judge

In the Circuit Court of the United States
For the Southern District of Mississippi
At Chambers in Oxford Mississippi Dec. 8th 1877

It is ordered that so much of an order made by said Court, or the Judge thereof, on the 1st day of the present month directing the Marshal of said District not to seize take into his possession by virtue of any writ of Replevin in his hands to be executed any property which had been seized by any officer of the State and released upon a replevy, or forthcoming bond, be set aside. It is further ordered that when such property has been so replevied and returned to the possession of the Defendant in such suit in the Courts of the State, the same is described in & directed to be seized by the writ of Replevin so in the hands of the Marshal. That the Marshal will execute said process as though it had never been seized & replevied under proceedings under the laws of the State and in its Courts. It is further ordered that when the Defendants in the writs of Replevin so in the hands of said Marshal and which have been executed by the seizure of the property therein named, desire to replevy the same, the Marshal, or his Deputy will take

ascertain the value of such property at its cash value at the place where the same may be, upon the Defendants entering into Bond with one or more good & sufficient sureties, payable to the United States in double the value of said property conditioned for the forthcoming of such property to satisfy the judgment of the Court, when the Marshal or his deputy shall restore the possession of said property to the defendant or Defendants, which Bond the Marshal shall return with the writ.

Ordered this Dec. 8th 1878

R. A. Hill Judge

Circuit Court of the United States
For the Southern District of Mississippi
Saturday Feby. 9th 1878

2528 United States vs. J. J. Howart } Comes on to be heard the motion of the Defendant in this cause to be allowed to execute a Replevin bond in this cause in the State of Louisiana with sureties thereon residing in said State of Louisiana and that said Pine logs mentioned in said

writ not be valued at more than 75¢ per log, & the Pine lumber not to exceed more than four dollars per thousand feet in the valuation thereof. Which motion, after consideration thereof by the Court is hereby sustained -

This Feby. 9th 1878

R. A. Hill Judge

2534 United States vs. George Reeves et al } Came on to be heard the motion of George Reeves, J. P. Rowe, G. W. Walker, D. J. Read & D. W. Cowark, the Defendants in this cause, to be allowed to give separate Replevin Bonds each in the State of Louisiana, with sureties on said bonds residing in said State of Louisiana for the separate property of each Defendant: The logs not to be valued, at more than 75¢ per log -; which motion after consideration thereof by the Court is hereby sustained.

This Feby 9th 1878

R. A. Hill Judge

2567 The United States
vs.
Walter Denny Quing Partner &c.

Same
2547 vs
Denny & Co

Same
2530 vs
Denny & Morris

Same
2533 & 2554
vs.
J. H. Griffin & Co.

Same
2529 & 2553
vs.
E. T. Griffin & Co.

It appearing to the satisfaction of the Court from the affidavit of D. B. Seal E. T. Griffin and J. H. Morris on file, that for the logs lumber seized in the above stated cases, One Dollar per log & four dollars per thousand feet for the lumber seized, would be a fair valuation for same, The Marshal of said district is therefore hereby ordered and directed to bond the said property on that basis of value. That is to say - That upon the Defendants in Each or in any of said cases presenting a Replevin or forthcoming bond with good & sufficient security, whom the Marshal may be satisfied are jointly worth the penal sum of said bond, which penal sum is to be in double the above value of said property seized

The Marshal shall accept & approve such Bond & return the same to this Court as provided by law. And in estimating the amount which the sureties are worth as aforesaid all the unincumbered property owned by the said sureties, either jointly or separately real & personal may be considered. The Marshal may require each person signing said Bond to state under oath the facts as to the amount of property owned by him in order to judge of the sufficiency of the Bond.

This Feby. 12th 1878

R. A. Lee Judge.

2548 United States vs. L. S. Dantzler

2571 United States vs. L. S. Dantzler

These cases Nos. 2548 & 2571 coming on to be heard on the Rule Nisi to the Marshal to show cause why the seizure of the property made by him under the Replevin writs in said causes should not be vacated, and upon full consideration by the Court of the facts & the arguments of Counsel It is considered by the Court that the

Seizure of the Marshal under the facts & circumstances of these cases were illegal & therefore null & void. It is therefore ordered & adjudged that said seizures & the same & all hereby vacated & the property so seized discharged therefrom and the Marshal is hereby ordered accordingly to forthwith deliver the property so seized to the Defendant

Feby. 14th 1878

R. A. Hill Judge

2525 United States vs. Bercier & De Smet } Same proceedings and order as in Nos. 2548 & 2571 vs. Dantzler

2542. United States vs. A. C. Danner & Co.

2550 Same vs. Same

2568 Same vs. Same } These cases Nos. 2542, 2550 & 2568 coming on to be heard on the Rule Nisi to the Marshal to show cause why the seizure of the property made by him under the Replevin writs in said cases should not be vacated, and upon full consideration by the Court of the facts

and the argument of Counsel it is considered by the Court that the Seizure by the Marshal under the facts and circumstances of the cases were illegal and are therefore null Void, and it is therefore ordered and adjudged that said Seizures be the same are hereby vacated and the Property so seized discharged therefrom, and it is further ordered that the forthcoming bond given to the Marshal to Replevin the Property so seized be delivered up to the defendants or to their Attorney of record to be henceforth treated and regarded as null Void—

Feby. 14th 1878

R. A. Hill Judge

Saturday Feby. 16th 1878

2526 United States } This day was heard
vs. } the oral motion of
Henry Cary } J. B. George, of Counsel
of Defendant for leave
to execute a Replevin Bond in this cause
and said motion being by the Court
fully considered, it is ordered that

said Motion be sustained, and that upon the execution of such bond in the manner and in the penalty prescribed by law, the Marshal do release to said Defendant the property seized by him under the writ of this Court issued in this case -

And it is further ordered that in estimating the value of the property seized by the Marshal in this case, he shall value the logs lying within one mile of any saw mill at not over one dollar per log: and logs lying over one mile from any saw mill at not over twenty five cents per log - and shall estimate the value of the lumber seized, if there be any at not over four dollars per thousand feet -

Ordered that Court be adjourned until Monday next at 9 O'clock A.M.

W. A. Hill Judge

Tuesday Feby. 26th 1878 -

2538 United States vs. Henry Weston } on Motion it is ordered that the

Marshal in taking bond from the Defendant for the replevy of the logs and lumber seized in this case, if he and the defendant cannot agree as to the amount of lumber and number of logs seized, shall measure said lumber and count said logs in presence of the Defendant or his agent, or cause the same to be accurately counted or measured and counted in Defendants presence, so that the said Defendant or his agent may have the opportunity of verifying said measurement and count before becoming responsible for the same; And the Marshal shall take the Bond for the amount of lumber and number of logs so measured and counted.

And he shall make said measurement and count without unnecessary delay, and if it shall be likely that there will be considerable delay in completing said measurement and count, then he shall take Bonds from time to time for as much as shall be counted and measured, if the defendant shall tender the same

February 26th 1878

R. F. Hill Judge

I, J. M. McKee, acting Clerk of the Circuit Court of the United States for the Southern District of Mississippi, do hereby certify the above and foregoing to be true Copies of Orders and Judgments made in said Circuit Court on the days and at the terms as therein stated and in the cases named in the Captions of said orders and Judgments.

In testimony whereof I hereunto subscribe my name and affix the Seal of said Circuit Court at Office in Jackson, in said District this 27th day of February A.D. 1878

Seal

(signed) Jas M. McKee
Actg. Clerk

2

FIRST ANNUAL REPORT

OF THE

Commissioner of Swamp Lands,

OF THE

STATE OF MISSISSIPPI.

PRINTED BY AUTHORITY.

JACKSON, MISS.
POWER & BARKSDALE, STATE PRINTERS.
1877

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REPORT

OF THE

Commissioner of Swamp Lands.

—o—

SWAMP LAND OFFICE,
JACKSON, MISSISSIPPI, December 31st, 1877.

To His Excellency, J. M. Stone, Governor:

SIR—In obedience to an act of the Legislature, approved Feb. 1, r1877, I have the honor herewith to submit to your Excellency, my report of the transactions of this office for the fiscal year, ending the 31st of December, A. D. 1877, with such suggestions for your consideration as I deem expedient, in order to accelerate the business of the office in a ratio to meet the public interest. It is no less the interest of the State than of individuals that titles to land should be perfected at as early a period as practicable. For the want of an enacting clause, the law approved the 1st of February, 1877, did not go into effect until the 2nd day of April following, and from the 2nd of April, to date, two hundred and thirty-nine Patents were issued, embracing several thousand acres of lands, which are particularized in exhibit "A" attached.

The total amount of money received at this office, and paid into the State Treasury during the same period, is three thousand one hundred eighty-seven dollars and forty-seven cents ($3,187 47.) For particulars see Exhibit "A."

Exhibit "C" shows the lands sold under Act of March, 1852, and Acts amendatory thereto, and patents issued therefor under Act of February 1st, 1877.

Exhibit "B" shows the present condition of the land. For a full understanding of the source from which the State derives her title to these lands, I invite attention to the following acts of Congress:

"AN ACT to enable the State of Arkansas and other States to reclaim the Swamp Lands within their limits."

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That to enable the State of Arkansas to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passags of this Act, shall be, and the same are hereby granted to said State.

SEC. 2. And be it further enacted, That it shall be the duty of the Secretary of the Interior as soon as may be practicable after the passage of this Act, to make out an accurate list and plats of the lands described as aforesaid, and transmit the same to the Governor of the State of Arkansas, and at the request of said Governor, cause a Patent to be issued to the State therefor, and on that Patent the fee simple to said lands shall vest in the said State of Arkansas, subject to the disposal of the Legislature thereof; *Provided, however*, that the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid."

SEC. 3. And be it further enacted, "That in making out a list and plats of the lands aforesaid, all legal subdivisions, the greater part of which is wet and unfit for cultivation, shall be included in said list and plats, but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

SEC. 4. And be it further enacted, That the provisions of this Act be extended to, and their benefits be conferred upon each of the other States of the Union in which such swamp and overflowed lands, known and designated as aforesaid, may be situated."

APPROVED, September 28, 1850.

The foregoing Act of Congress is the source from which the State derives her title to all the swamp and overflowed lands within her limits, to which there was no adverse right at the date of the passage of said Act.

This office being in its infancy, the work of getting into working order has been no small matter, and the necessity of compiling, copying, and perfecting the records, has created more expense than was at first supposed would be necessary. There was no appropriation made by the Legislature to meet any expense, but rather than the work should remain imperfect I have paid for such assistance as was absolutely necessary, amounting to ($161 50,) one hundred and sixty-one dollars and fifty cents.

The record is now as near perfect as it can be made from the data in my possession. With a very small outlay the record can be brought into as good a condition as will be necessary for practical purposes. The correspondence of this office has been voluminous, and it will naturally increase. Several hundred letters, requiring investigations to be made and answers returned, have been received. Besides, all these letters should

be filed—with a brief statement of their contents endorsed on the back of each.

There has been no room set apart for the keeping of this record and correspondence; for that reason it has not been removed from the office of the Secretary of State. In this connection, allow me to express the obligations I feel to the State officers and their employees, more particularly the Secretary of State, Auditor, Treasurer, Attorney-General, and the Secretary of the Executive Department, for their uniform kindness and endeavors to assist me in the discharge of the duties of this office; their kindness and consideration has made it a pleasure to transact business with them.

I would respectfully suggest to your Excellency the importance of urging upon the Honorable Legislature, at its next session, the enacting of such laws as will remedy the defects which now exist in matters pertaining to this office. And I here enumerate those deemed most essential. There are others of minor importance which will suggest themselves to a committee of that Honorable Body, should one be appointed, to examine into the workings of this office.

To accelerate the transaction of business in this office, would doubtless promote the interest of the State as well as individuals, and it seems to me likewise to be the duty of the State to perfect titles to the lands that are sold (and not yet patented) as early as practicable, and thus quiet the demand of the public. In aid of this important measure, I suggest the necessity of enacting a law which will compel parties holding certificates of purchase to present the same for patents. Many such certificates are now in existence, and there is no record by which we may arrive at their number or the description of lands for which they were issued. The lands appearing vacant and subject to sale upon the records of this office, would be sold to any one applying to purchase; thus creating confusion, trouble and expense; not alone to the individual, but to the State as well.

I beg leave, respectfully, to suggest to your Excellency, the propriety of recommending to the Honorable Legislature, the enacting of a law repealing the various Acts of the Legislature, relating to the "Pearl River Navigation and Improvement Company." The importance of this measure you will perceive by a reference to Exhibit "B."

The conditional grants to this Company embraces about 120,000 acres of land, representing a money valuation of about $30,000, while the title to this land actually vests in the State, yet the land cannot be bought under the operation of the laws governing this office, until there shall have been further legislation upon the subject. But for the necessity of condensing this report, I would point out the iniquitous frauds attempted to be perpetrated by the Acts referred to, Suffice to say, that they are upon the Statutes of the State. and speak for themselves.

I now desire to call attention to the following Acts of Congress :

AN ACT for the relief of Purchasers and Locators of Swamp and Overflowed Lands. Approved March 2, 1855.

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States cause patents to be issued, as soon as practicable, to the purchaser or purchasers, locator or locators, who have made entries of the public lands, claimed as swamp lands, either with cash, or with land warrants, or with scrip, prior to the issue of patents to the State or States, as provided for by the second section of the Act approved September 28th, 1850, entitled "An Act to enable the State of Arkansas, and other States, to reclaim the swamp lands within their limits," any decision of the Secratary of the Interior, or other officer of the Government of the United States, to the contrary notwithstanding ; *Provided*, That in all cases where any State, through its constituted authorities, may have sold or disposed of any tract or tracts of land to any individual or individuals, prior to the entry, sale, or second of the same under the pre-emption or other laws of the United States, no patent shall be issued by the President, for such tract or tracts of land, until such State, through its constituted authorities, shall release its claim thereto, in such form as shall be prescribed by the Secretary of the Interior ; *And provided further*, that if such State shall not, within ninety days from the passage of this Act, through its constituted authorities, return to the General Land Office of the United States, a list of all the lands sold as aforesaid, together with the dates of such sale, and the names of the purchasers, the patents shall be issued immediately thereafter, as directed in the foregoing section.

SEC. 2. And be it further enacted, That upon due proof, by the authorized agent of the State or States, before the Commissioner of the General Land Office, that any of the lands purchased were swamp lands, within the true intent and meaning of the Act aforesaid, the purchase money shall be paid over to the State, or States, and where the lands have been located by warrant or scrip, the said State, or States shall be authorized to locate a quantity of like amount, upon any of the public lands subject to entry, at one dollar and a quarter per acre, or less, and patents shall issue therefor, upon the terms and conditions enumerated in the Act aforesaid ; *Provided, however*, That the said decisions of the Commissioner of the General Land Office shall be approved by the Secretary of the Interior.

AN ACT to confirm to the several States, the swamp and overflowed lands selected under the Act of September 28th, 1850, and the Act of March 2d, 1849.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the selection of swamp and overflowed lands granted to the several States by the Act of Congress, approved September 28th, 1850, entitled "An Act to enable the State of Arkansas, and other States, to reclaim the swamp lands within their limits," and the Act of March 2d, 1849, entitled "An Act to aid the State of Louisiana in draining the swamp lands therein, heretofore made and reported to the Commissioner of the General Land Office, so far as the same shall remain vacant and unappropriated, and not interfered with by an actual settlement under any existing law of the United States, be and the same are hereby confirmed, and shall be approved and patented to the several States in conformity with the provisions of the Act aforesaid, as soon as may be practicable after the passage of this law; *Provided, however*, that nothing in this Act contained, shall interfere with the provisions of the Act of Congress entitled an Act for the relief of purchasers and locators of swamp and overflowed lands, approved March 2d, 1855, which shall be and is hereby continued in force, and extended to all entries and locations of lands claimed as swamp lands, made since its passage."

Approved, March 3d, 1857.

The following circular of instructions has been issued by the Department of the Interior, for the purpose of carrying out the provisions of the foregoing Acts of Congress:

RULES AND REGULATIONS ADOPTED BY THE GENERAL LAND OFFICE, WITH THE APPROVAL OF THE SECRETARY OF THE INTERIOR, IN REGARD TO THE PROOF REQUIRED IN CLAIMS FOR INDEMNITY UNDER THE ACT OF MARCH 2, 1855—EXTENDED BY ACT OF MARCH 3, 1857.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 18, 1872.

In order to make a final disposition of all claims for indemnity provided for by the Acts of Congress, approved March 2, 1855, entitled "An Act for the relief of purchasers and locators of swamp and overflowed lands," which Act was extended by the Act of March 3, 1857, the following rules and regulations in regard to the "due proof" to be made to the Commissioner of the General Land office, under the 2d section of said Act, in order to obtain the indemnity aforesaid, heve been adopted by this office, viz:

1st. No *ex parte* testimony will hereafter be considered, except such as may have been already forwarded to this office, taken in strict accordance with the rules and regulations of the office existing at the time of taking the same.

2d. The State, or its agent, claiming such indemnity will be required to furnish this office with a list of the lands on which such indemnity is claimed, and indicate the time when the claimants will be prepared to offer testimony to establish the swampy character of the land.

So soon after receiving such list as practicable, this office will appoint times and places when and where such testimony will be taken, and will give the claimants at least thirty days notice thereof.

At the times and places thus fixed some person accredited by this office will attend for the purpose of examining witnesses and adopting such other measures as may be necessary to protect the interests of the Government.

When the testimony is thus taken the case will be considered by this office as closed, and no further evidence will afterwards be received.

The testimony in support of such claims must be the evidence of at least two respectable and disinterested persons who have personal and exact knowledge of the land as it existed on the 28th September, 1850, the date of the swamp grant. Said witnesses must not only state that the greater part of each forty-acre tract, or other smallest legal subdivision, was on the 28th September, 1850, swamp and overflowed within the meaning of the grant, but at what seasons and to what extent this was its condition, designating particularly, also, how much or what proportion of the tract was thus rendered unfit for cultivation in its natural condition.

They must also give the reasons for their conclusions, state the causes of the overflow, give name and description of the timber, shrubs, and plants on the land, character and extent of the means necessary for their reclamation, contiguity of rivers, water-courses, lakes, etc., with a general description of the adjacent and surrounding tracts, and whether plowing and the removal of the timber without ditching or draining would not at that time have caused the water to disappear.

They must also state and show what is the present condition of the land, and if any changes have occurred in the character or quality thereof, what has caused such changes.

The witnesses here contemplated should be the person who purchased the land of the United States and the present owner or occupant. Where the original purchaser is a non-resident of the State, or had no knowledge of the character of the land in 1850, or for any reason refuses to testify, or where the tract is unoccupied, or the occupant is in like manner uninformed, or refuses to testify, the facts herein required may be established by the testimony of two other respectable and disinterested witnesses resident nearest the land. In such cases, how-

ever, the State agent must file with the testimony his own affidavit also, stating the absence, want of information, or refusal, on the part of the first-named witnesses herein required, to testify, or of the non-occupancy of the land, and that the persons whose testimony he offers are the nearest well-informed residents to the premises.

The depositions may be taken before any officer authorized by law to administer oaths; *Provided*, That if taken before an officer other than the clerk of the court of record having a seal, the official character of such officer shall be established by the certificate of the clerk of the proper court of record under the official seal thereof.

In all cases the disinterestedness of the witnesses as to the matter in issue must be established under oath, and the credibility of such witnesses must be certified to by the officer taking the depositions, or established by the oath of witnesses to whose credibility he certifies.

WILLIS DRUMMOND, *Commissioner.*

DEPARTMENT OF THE INTERIOR, March 31, 1872.

Approved:

C. DELANO, *Secretary.*

The State of Mississippi has never received a dollar of the money, nor an acre of the scrip due under the provisions of the foregoing Acts, notwithstanding the fact that quite a respectable sum of money and scrip is due her. In order that the necessary steps may be taken to obtain this indemnity, so long due to the State, I would recommend that such legislation be had as will enable this office to procure from the Hon. Commissioner of the General Land Office, at Washington D. C., a list of the lands selected by the State, said list to show all lands selected, whether patented or not; and if not patented, the adverse right or claim thereto. Such a list is necessary, not alone for the purpose stated, but for the benefit of our record; it is not alone important as a matter of record and convenience to this office, but it will determine the validity of the titles passed by the State to individuals, thus quieting many unnecessary and expensive law-suits, now, and possibly in the future. The cost of procuring such a list would be but a small per cent. of the indemnity due the State; and when deducted, would leave a handsome balance to the credit of the "Swamp Land Fund."

I can not close this report without referring to what may become a matter of some moment in the future history of the lands in the State, viz: "The Swamp Land Scrip" issued to Districts and Counties under the act of the Legislature, Approved, 16th March, 1852, and now in the hands of individuals. The faith of the State is pledged to redeem this scrip with swamp and overflowed lands, in the county or district called for on the face of the scrip.

I have no means of ascertaining the amount of scrip now outstanding. It would probably save future misunderstanding and trouble if some plan could be adopted by which the scrip could be recorded, and in that way some provision might be made to finally dispose of it, either by redeeming it at its face value or by having it located.

I now desire to call attention to the position of the State in the timber trouble in South-east Mississippi. This is a matter of such vital importance to a large number of our laboring population along the seashore, and involves so many legal points, that it is with some hesitancy that I undertake to make the statement.

The United States Marshal, under a writ obtained by a special agent of the Department of the Interior, took possession of a large quantity of logs, lumber, charcoal and naval stores along the Pascagoula and other streams in South-east Mississippi, alledging that the said property had been taken from the public domain. Upon the first hearing, the United States Court (Judge Hill presiding) quashed said writ; pending further action on the part of the Government officials, I was convinced that if depredations had been committed, it was upon State lands. The necessary affidavits having been obtained, writs of Replevin were issued to recover for the State; said writs were placed in the hands of the proper officer to be executed, and are now pending. The Government has caused writs of Replevin to issue against nearly all of the property seized under the first writ. These writs are also pending, and it is to be supposed that the matter will be determined at the January and May terms of the Court. The Government is making a vigorous prosecution, and as a natural consequence, has crippled the commerce of our Seaboard.

I have reason to believe that the trouble is to be attributed, in a great measure, to the operations of the following Act of the Legislature of 1861, page 58, Chapter 13:

"AN ACT to confirm the location of swamp and overflowed lands in Green and Jackson counties, and for other purposes.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That the location of swamp and overflowed lands made by Hiram J. Breeland, locating agent for Green county and H. Krebs, locating agent for Jackson county, duly appointed under an act of the Congress of the United States of America approved September 28th, 1850, be and the same are hereby confirmed.

SEC. 2. Be it further enacted, That upon the production of the certificate of the Secretary of State certifying the amount of said located lands, and that authenticated returns of the same have been filed in his office, it shall be the duty of the Auditor of Public Accounts to issue his warrant in favor of the said Hiram J. Breeland and H. Krebs for the amounts to which they are respectively entitled for making said locations, as prescribed by the law, under which the same are made.

SEC. 3. Be it further enacted, That this Act shall take effect and be in force from and after its passage.

APPROVED, December 3d, 1861.

The selections referred to were placed upon the records of the Swamp Land Office, and large quantities of the lands sold and patented by the State. These lists have not been approved by the Secretary of the Interior, and the lands embraced therein are regarded by the Department as vacant United States lands, while the parties purchasing from the State have acted upon the supposition that the title vested in them by the patent from the State was sufficient title for them to sell or cut the timber. We are not prepared to say that no depredations have been committed, but have no hesitancy in saying that the State has lost fully as much, if not more, than the Government by any depredations that may have been committed. But as the facts must come before the Courts and the necessary legislation will present itself to a committee of that honorable body, I submit the facts as stated for their consideration.

Very respectfully,

JOHN M. SMYLIE,

Commission of Swamp Lands.

EXHIBIT A.

LANDS sold and Patented under the Act Approved February 1st, 1877.

PARTS OF SECTIONS.	S.	T.	R.	AREA.	NAME OF PURCHASER.
E ½ of Sw ¼	28	18 N	5 W	79 75	Jones S. Hamilton*.
Lot 3	9	12 N	9 W	145 00	S. M. Davis.
S ½ of Lot Nos. 2 and 3, or S ½ of Nw ¼	8	8 S	7 W	80 00	Ann R. Lewis.
Sw ¼ and S ½ of Se ¼	4	6 S	12 W	240 40	Alfred Ladnier.
E ½ of Se ¼ and Se ¼ of Ne ¼	15	5 S	5 W	120 25	John R. Dickin.
S ½ of Nw ¼ Ne ¼ of Nw ¼ and N ½ of Se ¼	4	6 S	12 W	200 34	Valery U. Ladnier.
Ne ¼ and Ne ¼ of Nw ¼	9	6 S	12 W	200 59	Ursin Ladnier.
Sw ¼	29	5 S	11 W	160 34	Charles R. Saucier.
W ½ of Ne ¼ and Nw ¼	29	5 S	11 W	240 51	O. L. Saucier.
E ½ of Ne ¼ and Se ¼	29	5 S	11 W	240 51	Phillip Saucier.
Se ¼ of Ne ¼ and Nw ¼ of Se ¼	36	1 N	10 E	80 00	W. J. Holmes.
E ½ of Se ¼ and Sw ¼ of Sw ¼	21	4 S	12 W	120 38	Andrew J. Bond.
W ½ of Se ¼	21	4 S	12 W	80 28	Abner Walker.
S ½ of Nw ¼ and Sw ¼	20	5 S	11 W	240 24	W. H. Rouse.
Se ¼ of Sw ¼	21	4 S	12 W	40 14	W. C. Pearce.
Ne ¼ of Nw ¼ and Sw ¼ of Ne ¼	30	2 N	10 E	80 00	Frank M. Quinn.
Nw ¼ of Se ¼	1	1 N	8 E	160 07	David M. Walker, Sr.
E½ of Sw ¼ and Se ¼ of Nw ¼	17	1 N	10 E		

* Patent cancelled and money refunded.

E ¼ of Sw ¼ and W ½ of Se ¼	30	2 N	10 E	160 60	David M. Walker, Jr.
Sw ¼ of Ne ¼	5				
Sw ¼ of Sw ¼	29	6 S	12 W	206 34	Lorance Dedeaux.
Sw ¼ of Ne ¼ and Nw ¼ of Se ¼	30				
Nw ¼ of Nw ¼	32				
N ½ of Nw ¼ and N½ of Ne ¼	21	4 S	12 W	160 56	J. J. Cowart.
Nw ¼ of Nw ¼	3	5 S	11 W	39 92	J. P. Rouse.
N ½ of Nw ¼ and Ne ¼	20	5 S	11 W	240 12	M. J. Saucier.
Se ¼	20	5 S	11 W	160 08	C. D. Saucier.
Sw ¼ of Se ¼	30	6 S	12 W	81 77	Delmas Dedeaux.
Ne ¼ of Nw ¼	32				
Nw ¼ and N ½ of Se ¼	5	6 S	12 W	240 39	Joseph Saucier.
Ne ¼ of Ne ¼ and Se ¼ of Se ¼	31	5 S	12 W	88 71	Michiel Ladnier.
Se ¼ of Sw ¼ and Sw ¼ of Se ¼	30	5 S	12 W	262 34	Sylvan Ladnier, Jr.
W ½ of Ne ¼ and W ½ of Se ¼	31				
Nw ¼ of Ne ¼	8	6 S	12 W	40 07	Rame Ladnier.
N ½ of Ne ¼	6	6 S	12 W	85 90	Leopold Lizana.
Nw ¼ and Sw ¼ of Ne ¼ and Ne ¼ of Sw ¼	30	5 S	12 W	356 27	Victor Ladnier.
S ½ of Se ¼	11	1 N	10 E	80 00	Toney Williams.
Se ¼	10	2 N	6 W	160 60	John J. McInnis.
N ½ of Nw ¼ and S ½ of Ne ¼	6	6 S	12 W	171 31	Ursan Ladnier.
Nw ¼ and Nw ¼ of Ne ¼	18	3 N	6 W	199 78	E. A. Lewis.
Ne ¼ of Ne ¼	10	1 N	10 E	40 00	Daniel O'Brien.
N ½ Sw ¼ and Nw ¼ of Se ¼	25	2 N	9 E	120 00	Jesse Brumfield.
Sw ¼ of Sw ¼	22	1 N	10 E	40 00	J. R. Smith.
Se ¼ of Ne ¼ and Ne ¼ of Se ¼	31	5 S	12 W		
Nw ¼ of Nw ¼	4			248 98	Sylvan Ladnier, Sr.
N ½ of Ne ¼ and Se ¼ of Ne ¼	5	6 S	12 W		

EXHIBIT A—(CONTINUED.)

LANDS Sold and Patented under the Act Approved February 1, 1877.

PARTS OF SECTIONS.	S.	T.	R.	AREA.	NAMES OF PURCHASERS.
W ½ of Ne ¼	31	6 S	12 W	80 56	John Beniot.
S ½ of Nw ¼	6	6 S	12 W	85 90	Rame. Ladnier.
Nw ¼ of Sw ¼	5	6 S	12 W	40 06	Ursan Ladnier.
Ne ¼	34	5 N	6 W	160 10	S. W. Avery.
S ½ of Ne ¼	11	1 N	7 W	80 00	William Cooley.
S ½ of Sw ¼	27	2 N	6 W	80 06	Joseph Green.
N ½ of Ne ¼ and Se ¼ of Nw ¼ and Nw ¼ of Nw ¼	1	3 S	12 W	160 00	Amanda L. Hickman.
Ne ¼ of Nw ¼	1	3 S	12 W	40 00	Wm. Hickman, jr.
Sw ¼ of Sw ¼	18	3 N	6 W	39 95	Andrew J. Smith.
N ½ of Se ¼	5	3 S	9 W	80 04	W. A. Whittington.
Ne ¼	12	3 S	10 W	160 00	W. E. Whittington.*
E ½ of Ne ¼ and Nw ¼ of Ne ¼	20	4 S	5 W	120 20	John B. Dickin.
W ½ of Nw ¼ and W ½ of Sw ¼	35	1 S	7 W	240 00	Annie Helvestion.
E ½ of Se ¼	34				
Sw ¼ and W ½ of Se ¼	34	1 S	7 W	240 00	James Helvestion.
Sw ¼ of Se ¼	10	1 N	10 E	40 00	Alexander Guin.
Ne ¼ of Se ¼	11				
Sw ¼ of Nw ¼	12	1 N	10 E		
Sw ¼ of Sw ¼	9	1 N	11 E	120 00	Benjamin Lampton.
Se ¼ of Se ¼	18	4 S	12 W	42 20	John E. Bond.
Nw ¼ of Sw ¼	32	6 S	12 W	39 65	Delmas Dedeaux.

E ¼ of Ne ¼ and E ½ of S½ ¼	22	5 N	6 W	160 00	Thomas White.
S ½ of Se ¼ and Nw ¼ of Se ¼	32	6 S	12 W	118 95	Justin A. Sassabe.
Ne ¼ of Sw ¼	8	9 S	14 W	40 29	Timothy Buckley.
Nw ¼ and W ½ of Sw ¼	35	5 S	8 W	238 31	Christopher C. Orrell.
Nw ¼ of Sw ¼	36	5 S	8 W	238 69	John C. Orrell.
Se ¼ and Se ¼ of Sw ¼	35				
W ½ of Sw ¼	4	3 S	9 W	79 95	W. E. Whittington.
Ne ¼ and E ½ Nw ¼	35	1 S	7 W	239 45	John A. Cochran.
W ½ of Se ¼ and W ½ of Ne ¼ and S ½ of Sw ¼	22	5 N	6 W	240 00	Dan. Kitrell.
N½ of Sw ¼ and E ½ of Nw ¼	22	5 N	6 W	160 00	James A. Kitrell.
Se ¼ of Nw ¼ and S ½ of Ne ¼ and Ne ¼ of Se ¼ and W ½ of Sw ¼	9	7 S	5 W	241 48	Andrew McGregor.
S ½ of Sw ¼	10	3 S	10 W	160 53	J. A. Oneal.
W ½ of Sw ¼	11				
E ½ of Nw ¼	5	3 S	9 W	120 11	Jno. T. Alexander.
Sw ¼ of Sw ¼	25	2 S	10 W		
Ne ¼	15	2 N	6 W	160 45	W. E. Thomas.
E ½ of Nw ¼	17	1 N	11 E	80 00	Franklin Pigott.
S ½ of Ne ¼ and Se ¼	19	3 S	5 W	243 90	Martha Dickin.
Sw ¼	19	3 S	5 W	162 60	John Dickin.
Lot No. 1	14	8 S	5 W	238 26	Fannie A. Donovan.
Lot No. 1	23				
Sw ¼ of Ne ¼	1	1 N	9 E	40 06	Green Smith.
Lots Nos. 2 and 5	23	8 S	5 W	180 98	Josephine A. Donovan.
S ½ of Lot 2 and Lots 3 and 4	28	8 S	5 W	225 67	W. E. Frederic.
Lot No. 3	27	8 S	5 W	89 21	Mary E. Donovan.

* Patent cancelled and money refunded.

EXHIBIT A—(CONTINUED.)

LANDS sold and Patented under the Act Approved February 1st, 1877.

PARTS OF SECTIONS.	S.	T.	R.	AREA.	NAME OF PURCHASER.
S ½ of Lot No. 1	28	8 S	5 W	237 28	Cecelia A. Donovan.
Lots Nos. 1 and 2	27				
Sw ¼ of Ne ¼	17	1 N	11 E	40 00	Franklin Pigott.
Se ¼ of Sw ¼	28	2 N	11 E	40 00	Ruth Slatam.
Sw ¼ of Sw ¼ and Sw ¼ of Se ¼	28	2 N	11 E	80 00	Jasper N. Holmes.
Se ¼ of Nw ¼ and S ½ of Lot 2	4	2 S	8 W	40 00	Archibald Fairly.
Se ¼ and E ½ of Sw ¼	28	5 S	8 W	240 99	J. C. Orrell, Jr.
Sw ¼ of Se ¼	19	1 N	11 E	40 00	Moses Magee.
N ½ of Nw ¼ and Sw ¼ Nw ¼	21	3 S	5 W	241 56	Hampton Dickin.
N ½ of Ne ¼	19				
Ne ¼ of Se ¼	20				
W ½ of Nw ¼	22	5 N	6 W	80 00	G. S. Leatherbury.
Sw ¼ of Ne ¼	30	6 S	7 W	40 96	William Parker.
Se ¼ of Se ¼	20	3 S	5 W	240 60	Mrs. Susan Dickin.
W ½ of Se ¼ and Sw ¼ of Ne ¼	20	4 S	5 W		
W ½ of Se ¼	17				
Nw ¼ of Nw ¼	20	1 N	10 E	40 00	D. M. Walker.
Nw ¼ and W ½ of Sw ¼	28	5 S	8 W	240 99	Albert L. Orrell.
Nw ¼ and S ½ of Ne ¼	20	5 S	8 W	241 05	James E. Adams.
Sw ¼ of Se ¼	27	2 N	6 W	40 03	J. C. Blackledge.

EXHIBIT B.

SHOWING the Number of Acres, Selected by the State of Mississippi, under the Act of 28th September, 1850, and the present condition of the same.

No. of acres selected by the State	3,070,645
No. of acres approved by the Secretary of the Interior	3,068,642
No. of acres not approved, (yet to be disposed of,)	2,003
No. of acres approved and Patents issued therefor	2,681,383
No. of acres approved and no Patents issued therefor; (from this amount the State is entitled to indemnity,)	387,259
No. of acres apparently disposed of by the State, including the land for which indemnity is due	2,768,642
No. of acres apparent balance	300,000
No. of acres of this amount, there is claimed by the Pearl River Navigation and Improvement Company	120,000
No. of acres within the Levee District, and for which Scrip has been issued, and is now in the hands of individuals	4,000
No. of acres against which there appears to be no adverse claim, located principally in Greene, Harrison, Jackson, Jones, Pike, Franklin, and Wilkinson counties	176,000

EXHIBIT C.

LANDS Sold under Act of March, 1852, and Patents Issued under Act of February 1, 1877.

PARTS OF SECTIONS.	S.	T.	R.	AREA.	NAME OF PATENTEE.
E ½ Ne ¼, and Sw ¼ of Ne ¼	7	8 N	11 E	120 00	R. C. T. S. Hilliard.
Nw ¼	24	8 N	10 E	160 00	R. C. T. S. Hilliard.
W ½	14	8 N	10 E	320 00	R. C. T. S. Hilliard.
N ½ of Sw ¼ and Nw ¼	13	8 N	10 E	240 00	R. C. T. S. Hilliard.
Se ¼ of Ne ¼ and E ½ of Se ¼	15	8 N	10 E	120 00	R. C. T. S. Hilliard.
Ne ¼ of Sw ¼	10	5 S	5 W	40 03	Susan Dickin.
Ne ¼	11	5 S	5 W	163 36	Susan Dickin.
N ½	18	6 S	7 W	328 00	Arabella Havens.
E ½ of Ne ¼ and Nw ¼ of Ne ¼	12	3 S	5 W	120 70	Catherine Howell.
Sw ¼ of Sw ¼, and Nw ¼ of Nw ¼	12	3 S	5 W	80 40	John Lowery.
Nw ¼ of Nw ¼	26	3 S	10 W	40 00	A. W. Ramsey.
N ½	23	3 S	10 W	320 00	A. W. Ramsey.
Se ¼	30	3 S	9 W	161 80	Thomas E. Ramsey.
Ne ¼ of Nw ¼, and Sw ¼ of Nw ¼	19	3 S	9 W	80 90	Thomas E. Ramsey.
E ½ of Se ¼, and W ½ of Sw ¼	12	3 S	9 W	160 10	Thomas E. Ramsey.
Sw ¼ of Ne ¼	13	3 S	9 W	40 03	Thomas E. Ramsey.
W ½ of Se ¼	24	3 S	9 W	78 70	Thomas E. Ramsey.
N ½ of Ne ¼, and Se ¼	24	3 S	9 W	238 48	Thomas C. Ramsey.
Se ¼ of Ne ¼, and Ne ¼ of Se ¼	23	3 N	1 E	80 00	John Cassels.
W ½ of Ne ¼	23	3 N	1 E	75 00	John Cassels.
E ½ of Se ¼	15	3 N	1 E	78 59	William Cobb.

W ½ of Se ¼, and Ne ¼ of Sw ¼	2	5 S	5 W	120 15	Susan Dickin.
Nw ¼	28	4 S	5 W	160 05	Susan Dickin.
N ½ of Nw ¼	20	4 S	12 W	80 00	R. Dobston.
Se ¼ of Nw ¼, and Sw ¼	8	7 S	10 W	320 00	B. Larson.
N ½ of Nw ¼, and Se ¼ of Nw ¼	17				
Ne ¼ of Se ¼	7	2 S	10 W	40 00	Thomas Bond.
Ne ¼ of Nw ¼	12	5 S	5 W	40 03	Susan Dickin.
Ne ¼ Ne ¼ of Se ¼, and Ne ¼ of Nw ¼	29	5 S	9 W	238 57	B. Waldin.
Sw ¼ of Se ¼, and Se ¼ of Sw ¼	2	6 S	12 W		
Sw ¼, and S ½ of Se ¼	3	6 S	12 W		
Ne ¼	10	6 S	12 W		
W ½ of Nw ¼	11	6 S	12 W	540 00	David Dowdle.
E ½ of Se ¼, and Se ¼ of Ne ¼, and N ½ of Nw ¼	12	6 S	12 W		
S ½ of Sw ¼	1	6 S	12 W		
Ne ¼ of Ne ¼	11	6 S	12 W		
Se ¼ of Se ¼	2	6 S	12 W	400 00	Henry Williams.
E ½	6	6 S	9 W	321 00	B. Waldin.
The whole	2	5 S	10 W	640 00	Wiley G. Bullock.
Ne ¼ of Se ¼	7	6 S	11 W	40 00	A. E. King.
S ½ of Nw ¼, and Nw ¼ of Nw ¼	31	5 S	11 W	120 00	George W. Redman.
Se ¼ of Se ¼	25	5 S	12 W	40 00	G. W. Redmond.
N ½ of Se ¼	31	5 S	11 W	80 00	T. Redmond.
E ½ of Ne ¼, and Se ¼	17	5 S	9 W	239 71	B. Waldin.
Ne ¼ E ½ of Se ¼	20	5 S	9 W	239 41	B. Waldin.
All of	11	5 S	10 W	641 41	J. F. Bullock.
N ½ of Se ¼, and E ½ of Sw ¼, and Nw ¼ of Sw ¼	22	4 S	12 W	200 00	John Bond.
S ½ of Se ¼	22	4 S	12 W	80 00	John Bond.
Ne ¼ and W ½ of Nw ¼, and E ½ of Se ¼	25	6 S	10 W	320 20	John Krohn.

EXHIBIT C.—[CONTINUED.]

LANDS Sold under Act of March, 1852, and Patents Issued under Act of February 1, 1877.

PARTS OF SECTIONS.	S.	T.	R.	AREA.	NAME OF PATENTEE.
Ne ¼ Nw ¼, and Sw ¼ Ne ¼	36	6 S	10 W	79 05	John Krohn.
Se ¼ of Se ¼, W ½ of Se ¼, and Ne ¼ of Sw ¼, W ½ of Sw ¼	21	6 S	9 W	240 95	C. F. Krohn.
W ½ of Nw ¼	11	5 S	12 W	80 00	Jonathan Redman.
Sw ¼	2	5 S	12 W	160 00	Jonathan Redman.
Se ¼ of Nw ¼, W ½ of Ne ¼	2	5 S	12 W	120 00	Jonathan Redman.
S ½ of Sw ¼	15	5 S	12 W	80 00	Mary Redman.
Ne ¼ of Se ¼	10	5 S	12 W	40 37	Hiram P. Redman.
S ½ of Sw ¼	23	4 S	12 W		
E ½ of Nw ¼, E ½ of Sw ¼, and Nw ¼ of Se ¼	26	4 S	12 W	280 08	Philip Souciers.
E ½ of Nw ¼, E ½ of Sw ¼, S ½ of Se ¼, Nw ¼ of Ne ¼	35	4 S	12 W	293 30	Philip Souciers.
Ne ¼ and W ½ of Se ¼, and Sw ¼ of Se ¼ and Sw ¼ and S ½ of Sw ¼, and Ne ¼ of Sw ¼	4	6 S	11 W 12 W	560 75	Pilip Socia.
W ½ of Nw ¼, Ne ¼ of Sw ¼, and Ne ¼ of Sw ¼, and Sw ¼ of Se ¼	6	4 S	13 W	211 15	Carroll Bond.
Nw ¼ of Se ¼	36	3 S	12 W	40 00	Wm. F. Bond.
N ½ of Sw ¼, W ½ of Nw ¼, Se ¼ of Nw ¼, Nw ¼ of Ne ¼	15	5 S			
W ½ of Se ¼, and E ½ of Ne ¼	10	5 S	12 W	400 00	Jesse Taylor.
Se ¼ of Sw ¼, and Sw ¼ of Se ¼	12	3 S	5 W	80 47	Willis W. Tanner.

Ne ¼ of Ne ¼	18	5 N	12 E.	40 00	Hugh F. Bridges.
W ½ and Ne ¼	30	5 S	4 W	480 75	Susan Dickin.
W ½ of Sw ¼	18	5 S	4 W	80 00	Susan Dickin.
E ½ of Ne ¼, and Nw ¼ of Ne ¼	13	3 S	12 W	120 00	J. Perkins.
Ne ¼	11	3 S	12 W	160 00	W. Hickman.
W ½ of Se ¼, and Ne ¼ of Se ¼, E ½ of Sw ¼, and Nw ¼ of Sw ¼	18	3 S	11 W	240 00	John Perkins.
N ½	18	3 S	11 W	326 30	John Perkins.
Sw ¼, and S ½ of Se ¼	2	3 S	12 W	240 00	William Hickman.
S ½ of Se ¼	15	8 S	15 W	80 00	John Zingerling.
E ½ of Ne ¼, and E ½ of Se ¼	17	8 S	15 W		
Nw ¼ of Nw ¼, and	12	8 S	15 W		
W ½ of Nw ¼	28	8 S	15 W	281 40	John Zingerling.
Nw ¼ of Nw ¼	22	8 S	15 W	89 91	John Zingerling.
E ½ of Ne ¼, and E ½ Se ¼	17	8 S	15 W	160 76	John Zingerling.
W ½ of Nw ¼	28	8 S	15 W	80 75	John Zingerling.
E ½ of Ne ¼, and Sw ¼ of Ne ¼, and E ½ of Sw ¼, and Ne ¼	24	3 S	16 W	363 55	Wm. Noonan.
Sw ¼ of Sw ¼, and Nw ¼ of Nw ¼	34	4 S	16 W	80 68	Wm. Noonan.
E ½ of Sw ¼, and W ½ of Se ¼, and Se ¼ of Se ¼	23	7 S	16 W	160 00	Wm. Noonan.

EXHIBIT C, [Contiuued.]

LANDS Sold under Act of March, 1852, and Patents Issued under Act of February 1, 1877.

PARTS OF SECTIONS.	S.	T.	R	AREA.	NAME OF PANTANTEE.
Ne ¼ of Ne ¼, and W ½ of Ne ¼, E ½ of Nw ¼, and Ne ¼ of Sw ¼, Sw ¼ of Sw ¼	29	6 S	15 W	280 87	Wm. Noonan.
Lots 1, 5, 6, (144 acres)	4	8 S	14 W	144 00	Wm. Noonan.
Lots 1, 2, 3, 4, and N ½ lots 5, 6	11	8 S	14 W	448 00	Wm. Noonan.
Nw ¼	9	3 S	9 W	159 90	Washington Cooper.
E ½ of Se ¼	20	4 S	10 W	160 65	H. H. Anderson.
E ½ of Nw ¼	27	4 S	10 W		
E ½ of Ne ¼ and E ½ of Sw ¼	32	4 S	10 W	169 02	"
W ½ of Nw ¼ and Sw ¼	1	5 S	10 W	239 85	Martha A. Anderson.
N ½ of Se ¼	5	3 S	9 W	80 04	W. A. Whitington.
Nw ¼ of Sw ¼ and S ½ of Nw ¼, and Nw ¼ of Ne ¼	8	5 S	9 W	159 70	Daniel Walker.
E ½ of Ne ¼ and Ne ¼ of Se ¼, and W ½ of Sw ¼	7	5 S	9 W	199 51	" "
W ½ of Nw ¼	4	5 S	9 W	80 00	" "
Nw ¼ of Ne ¼	9	5 S	9 W	39 94	" "
N ½ and Se ¼, and Ne ¼ of Sw ¼	6	5 S	9 W	519 67	" "
W ½	18	4 S	9 W	321 68	" "
Ne ¼ of Ne ¼	23	3 S	5 W	40 18	M. F. Tanner.
Sw ¼ of Ne ¼	14	3 S	5 W	40 09	" "
N ½ of Sw ¼	12	3 S	5 W	80 47	" "
Ne ¼ of Se ¼	26	3 S	5 W	40 21	" "
All	28	3 S	10 W	641 76	A. H. Ramsey.

S ½	20	3 S	10 W	321 00	E. V. Ramsey.
S ½	21	3 S	10 W	321 00	A. F. Ramsey.
All	24	3 S	10 W	640 00	James B. McRae.
All	36	2 S	10 W	649 85	James Dotson.
All	26	2 S	10 W	639 60	Lyman Randall.
N ½ ofeSe ¼, S ½ of Ne ¼	22	2 S	10 W	322 60	George Sumrall.
Nw ¼ of Ne ¼ and N ½ of Nw ¼	22	2 S	10 W		
Sw ¼ of Nw ¼	22	2 S	10 W		
Sw ¼ and Sw ¼ of Nw ¼	23	2 S	10 W	199 87	" "
S ½ of Nw ¼	15	2 S	10 W	80 35	" "
Ne ¼ of Ne ¼	21	2 S	10 W	40 00	" "
All	13	3 S	10 W	640 00	Mary McRae.
Lots No. 2, 3, and 4	10	4 S	5 W	240 00	James Tanner.
W ½ of Nw ¼	11	4 S	5 W	79 80	" "
W ½ of W ½	2	4 S	5 W	159 85	" "
W ½ of Sw ¼ and Ne ¼ of Sw ¼	13	3 S	5 W	120 63	M. F. Tanner.
Nw ¼ of Ne ¼ and Se ¼ of Nw ¼	22	4 S	10 W	80 00	Daniel Johnson.
N ½	3	5 S	10 W	319 00	Daniel Walker.
Ne ¼ and Ne ¼ of Nw ¼	17	6 S	11 W		
Se ¼ and E ½ of Sw ¼ and Sw ¼ of Sw ¼	8	6 S	11 W	560 00	Robert S. Byrd.
S ½ of Sw ¼	9	6 S	11 W		
S ½ of Se ¼ and E ½ of Sw ¼	5	6 S	12 W	160 22	Irine Whitfield Jolanse, St. Louis, and Helen, of Sheby.
S ½ of Se ¼ and E ½ of Sw ¼	6	6 S	12 W	171 81	" " " "
Ne ¼ of Ne ¼	8	6 S	12 W	40 09	" " " "
N ½ of N w ¼	9	6 S	12 W	80 23	" " " "
Nw ¼ of Nw ¼	26	3 S	5 W	40 21	Calvin Tanner.

EXHIBIT C.—[CONTINUED.]

LANDS Sold under Act of March, 1852, and Patents Issued under the Act of February 1, 1877.

PARTS OF SECTIONS.	S.	T.	R.	AREA.	NAME OF PATENTEE.
W ½ of Sw ¼	23	3 S	5 W	80 35	Calvin Turner.
Nw ¼ of Ne ¼	23	3 S	5 W	39 90	" "
W ½ of Se ¼	20	3 S	5 W	80 12	" "
S ½ Nw ¼ and Ne ¼ Ne ¼	4	4 S	5 W	39 94	Fournoer Tanner.
Sw ¼ of Se ¼	15	3 S	5 W	40 63	Alfred Tanner.
Sw ¼ of Nw ¼	13	2 S	12 W	40 00	Susannah O'Neal.
Sw ¼ Sw ¼	5				
Ne ¼ Se ¼, Sw ¼ Ne ¼ and E ½ Nw ¼	6	5 S	12 W	210 24	Samuel Walker.
E ½ Se ¼, Nw ¼ Se ¼ and E ½ Nw ¼	8				
Sw ¼ Sw ¼	9	5 S	12 W	239 34	Samuel Walker.
Nw ¼ Ne ¼	34	4 S	11 W	42 00	W. H. Bruce.
The whole	12	3 S	10 W	640 00	Catherine McRae.
Nw ¼ Sw ¼	17	3 S	9 W	40 10	Thomas E. Ramsey.
Se ¼ and S ½ Sw ¼	4	6 S	12 W	240 39	Irine Whitfield Jolanse, of Sheby, St. Louis.
Sw ¼	6	3 S	11 W	161 82	Wm. F. Bond.
Se ¼ and W ½ Ne ¼, and Se ¼ Ne ¼	7	3 S	11 W	286 00	" " "
Se ¼ Sw ¼	8	3 S	11 W	40 00	Russell Bond.
E ½ and Nw ¼ and N ½ Sw ¼	17	3 S	11 W	560 00	" "
Sw ¼ Ne ¼	8	3 S	11 W	40 00	" "
S ½ Se ¼	2	2 S	10 W	80 00	H. Miles.

N ½ Se ¼	2	2 S	10 W	80 00	Kiah Miles.
N ½ Sw ¼	2	2 S	10 W	80 00	Hezekiah Miles.
S ½ Se ¼	3				
S ½ Sw ¼	2	2 S	10 W	160 00	Hezekiah Miles.
Nw ¼	11	2 S	10 W	160 00	Kiah Miles.
E ½ Nw ¼, Sw ¼ Nw ¼, and Ne ¼ Ne ¼	36	5 S	10 W	162 40	William J. Ramsey.
E ½ Nw ¼	25	6 S	10 W	80 05	Eliza Ellen Latimer.
S ½ Ne ¼, Nw ¼ Se ¼	11	7 S	10 W	120 00	Mrs. Mary Krohn.

So. Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received March 7, 1878.

Dated " 3, 1878.

From L. Lea.
U. S. Atty.

SUBJECT.

Enclosing copy of letter sent by him to J. L. Brad-ford Esq. Asst U. S. Atty. rel. to the Bill providing for a Special Term of Court &c.

ACTION.

Answd Mch 7/78

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Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPARTMENT OF JUSTICE
MAR 7 1878
RECEIVED

Jackson, Miss., March 3. 1878.

Sir,

Your letter of 26. Ult. was received this morning. I have sent a copy of it to W. Bradford, for his information, & herewith inclose a copy of my letter transmitting it to him. I am at a loss to conceive how Asst. Attorney Ware, can aid in preparing the Timber cases for trial, as he confessedly knows nothing about them. Prolific as this Timber business has been of mistakes, the passing of the Bill providing for a special term of Court on the coast, is, in my judgment, the greatest mistake of all. If, as Special Agent, Carter, has sworn, a survey of the land depredated upon, is a prerequisite to the proving up of any one of these cases, & that survey cannot be made without an appropriation for the purpose, it seems to me the Special term act is virtually legislating the Government out of Court; for, in the face of such legislation, a sufficient showing for a continuance in any case can hardly be possible. What

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Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

Agent of the government is there who can conscientiously swear that he believes the Congress which passed the act referred to, will make the appropriation required? Or, who will believe him, if one should be found, willing to make the oath? If the Court shall be held, I seriously apprehend that the U. States Attorney will find himself in the same predicament that I was in at the late term of the District Court, with reference to the Timber Cases in that Court. I had no witness, not a jot or tittle of evidence, & yet, was compelled to go to trial or be nonsuited.

Day before yesterday, I was informed, correctly I suppose, that my removal was determined on, & that my successor had been selected. As this, therefore, is perhaps, the last official communication I shall have occasion to address to you touching this miserably managed Timber business, I will take the

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Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

the liberty of saying, that none of the blundering connected with it can be justly charged to me. As soon as the information I have received shall be verified, I will visit Washington for the purpose of having certain investigations instituted, which I trust will convince you & the President that you have been grossly imposed upon, to my grievous injury, & protect you, to some extent, against like imposition in future. I was an original Hayes man - favored his nomination - predicted that his Southern policy would be what it has been - have been a steadfast friend to the administration - & have sometimes thought that I was its only really true friend in all this region. In my official capacity, I have tried strictly up to the sentiment so well expressed by the President. He serves his party best, who serves his country best. I cannot, therefore, but feel indignant & re-

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Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., 187

sentful when I am wrongfully stricken down by the hand of him I have so steadfastly befriended. I know there is no good cause for my removal, & I propose to show it, not only for the purpose of vindicating myself, but for the purpose of destroying a malign influence that has prejudiced your mind against me.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

401

"Copy"

United States Attorneys Office
Southern District of Mississippi
Jackson Miss. March 4th 1878.

J L Bradford Esq
Special Assistant US Atty
New Orleans La.

Sir

I inclose for your information copy of letter from the Attorney General dated 26th ult. but not recieved until this morning.

The Bill providing for the holding of a special term of our Cir Court on the Coast having as I suppose, become a law it is necessary to determine without delay what action shall be taken with reference to the Timber cases pending in said Court and I have to request that you inform me at once, what cases if any, the Government will be prepared to try at the special term. I fear it will not be safe to count much on continuances being granted by the Court. From what I hear it is not probable that Judge Woods

will preside at the Special terms.
From the Attorney Generals letter you will see that my assistant Judge Hare, is expected to cooperate with you, etc. & I would be glad to have you point out how this can best be done. I cannot see that he can do anything here. If we cannot be prepared to try any of the cases at the Special terms, it will be expedient, in my judgment, to dismiss them all, in advance & thus dispense with the holding of the Court on the Coast.

Very respectfully
J Lee
U S Atty

42

Ds. Dist. of Miss.

191

DEPARTMENT OF JUSTICE.

Received March 8, 1878.

Dated " 7, 1878.

From J. L. Bradford
Sp. Asst U. S. Atty.

SUBJECT.

Telegram rel. to the timber cases.

ACTION.

File

Gene

43

228 4.15 PM

Blank No. 2.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.
Errors can be guarded against only by repeating a message back to the sending station for comparison, and no other security will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages.
This message is an UNREPEATED MESSAGE, and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Sec'y. By Law WILLIAM ORTON, Pres't.

Dated New Orleans Miss 7 1878

Received at N. E. cor. 14th St. and Penn Ave., Washington, D. C. 4 15 Pm

To Hon Chas Devens
Atty Genl U. S
Washn D. C

READ THE NOTICE AT THE TOP.

Carter & I think investigations I start this evening to begin in Sea Coast Counties of Mississippi will enable us to win some Cases in may at Jackson Though surveys in others will be absolutely necessary

J L Bradford

48 Said GR
H J

441

So Dist. of Miss.

196 DEPARTMENT OF JUSTICE.

Received March 11, 1878.

Dated " " 1878.

From Thomas 6 Rhodes

SUBJECT.

Asking if soldiers of Creek War are allowed to draw pension &c.

ACTION.

Ans. & to Com. of Pen. March 12, 1878

45

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received March 11, 1878.

Dated " 8, 1878.

From L. Lea.
U. S. Attorney.

SUBJECT.

Acknowledging receipt
of telegram rel. to his
duties, etc.

ACTION.

File

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Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, Miss., March 8. 1875.

Sir,

Your telegram of yesterday was received at 8 o'clk. last evening. It relieved me from painful embarrassment as to my duty. Seeing now my way clear, I shall set out tonight for the Miss. Coast, & will endeavor to do just what I think duty requires of me under your instructions.

Very respectfully,

L Lea U.S. Atty.

The Attorney General,
Washington,
D. C.

47

So. Dist. of Miss.

192 DEPARTMENT OF JUSTICE.

Received March 9, 1878.

Dated " 5 1878.

From Jas M. McKee.
Actg Clerk U. S. Dist Ct

SUBJECT.

Transmits a certified copy of a petition & order pertaining to the Log cases now pending in Court in So. Dist of Miss.

ACTION.

File

gene

481

Clerks Office US Circuit Court
Southern District of Miss.
Jackson Miss March 5th 1878.

Hon Chas Devens
Attorney General.

Sir

By direction of J L Bradford Esq Spl Asst US attorney for this District I herewith transmit a certified copy of a petition and order, pertaining to the log cases now pending in this Court.

Very Respectfully
Jas R McKee
Acty Clerk

In the Circuit Court of the United States for the Southern District of Mississippi at Jackson Mississippi.-

The United States vs L Lee Defendant and The United States vs John R. Dicken. Defendt and The United States v.s. John B. Williams. deff.	The undersigned who are citizens of the State of Alabama. except Willis Tanner. who resides in Miss- and in part are parties defendant in the said causes herein Stated above- Humbly Complaining petition and Show to the Hon R.A. Hill, Judge of the said Court. as follows = your petitioners respectfully

and probably other similar suits against others of petitioners Show to your Honor that they are Engaged in the timber and log business. as a means of support for themselves, and them dependant upon them, and that while so pursuing their business in a legal and proper manner, and not otherwise, and without any damage or trespass upon any of the lands. or timber of the United States. they have within the last twelve or eighteen month each for himself severally and not jointly except as may herein after appear. in the State of Alabama and in the waters of Big Creek and its tributaries in said State. on their own, or on the lands of other citizens.

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cut and prepared for market or purchased bona fide and in open market a large amount or number of pine saw logs, of Great Value, and in order to convey same to Pascagoula, or Moss Point on Pog River in the State of Miss. petitioner Each for himself put certain of said logs into said Creek at such convenient places as may be, and in such number as appears by the Schedule here to annexed and marked Exhibit A. and prayed to be taken and considered as a part of this petition, And Petitioners further Show to your Honor that in accordance with the usual custom among them in regard to their said log business, on and near said creek. the logs that may be in the same, and its tributaries, in times of high water are allowed to be floated, or run out to a point at or near the mouth of said Creek where they are boomed or kept in a common drift in the waters of same which is a public highway, and your petitioners Show that in accordance with their usual custom, certain logs, as Shown in said Schedule A. — the private property of petitioners amounting in all to about Seven thousand in number were recently floated down and caught or detained in the common drift at the mouth of said as aforesaid, there to be kept until either Seperately, as to the different lots owned by

petitioners respectively, or all together, they might be floated down the Escataba River to market according to the wishes of the different owners thereof - that while these logs were so remaining at the said drift at the mouth of said Creek, one J. J. Gainy, or some other deputy Marshal of the United States under and by virtue of three or more Replevin writs in the above named cases calling for over twenty thousand Pine logs in said drift, while same did not then, and has not now, in all, more than, if so many, as one third that number of such logs, or logs of any other sort, therein - and under said writ, based upon affidavits of one Roger Sherman Bartley, which falsely stated that said logs were the property of the U.S. said Marshal seized and took from their possession and control all of their said logs and still detains the same from the possession of petitioners wrongfully and without any just ground or right - Your petitioners show that the number of logs claimed by each of them as shown in said Schedule A. is proximately correct, that the exact number cannot be ascertained without a Schedule made for that purpose, and this State of things results from the fact

that petitioners cannot know the exact number of logs taken out of the creek from time to time as they are usually taken; but they rely on their individual marks on same to seperate them when they arrive at market or at such places as they may wish to seperate them — Now in this State of things petitioners show that at the time of said seizure, To-wit: on about the 18th Dec 1897. under said writ against L. Lee for fifteen thousand logs, and said writ against John R. Dickin for five thousand logs, and said writ against John B. Williams for three thousand logs, and other writs for other large number of logs, all of petitioners logs were seized, and now your petitioner L. Lee shows to your Honor that he owns and con-trols only about three thousand of said logs, and has no sort of claim or title to any others of same, and your petitioner John R. Dickin has no sort of title ownership to any part of said logs, and never had any such title or claim, and your petitioner — John B. Williams has no sort of claim or title to any of said logs, and never had any such title or claim. So that it appears so far as petitioners know only your petition L. Lee among the persons so sued

owns or claims any part of the logs so seized, so far as writs have as yet been served, but in fact and in truth the balance of the logs not claimed by said Lee are the private property of the other petitioners as herein before stated - petitioners therefore show to your Honor that petitioner Williams and John R. Dickin having no sort of sort of title or claim to the property, will not bond, or defend against the U. States in said suits against them except it may be so far as to save themselves from any costs on account thereof, and petitioner L. Lee is unwilling and unable to give a bond or incur the expense of defending the said suit against him except to the extent of the property claimed by him, which state of things will virtually abandon the balance of the property of petitioners to the United States against whom no suit will lie for same, as petitioners are advised and believe, and your petitioners who are not sued are also advised that it is very doubtful whether they can lawfully be allowed to intervene or be made parties in the said suits, or in either of them, for the purpose of propounding their rights to the logs claimed by them, or to protect their interest in said property. And your

petitioners are further advised that such of them who own or claim logs in value less than five hundred Dollars can have no standing in the said Court for an independant suit against the said Marshal, and said Tanner residing in Mississippi cannot sue in said Court and that your petitioner H. Branom and F. R. Williams claiming logs of value over five hundred Dollars have this day sued out writs of Replevin in the said Court against T. W. Hunt, the Marshall of the U.S. for said Southern District of Miss. in his individual capacity for the said logs claimed by them, and said petitioners now pray your Honor to designate some person to act as Special Marshal for the purpose of serving the said Replevin writs on said Hunt and that your Honor make an order to be filed in said Court at Jackson to that effect in said Cases last aforesaid, unless your Honor can properly order or direct that said petitioners as well as all others named on said Schedule may be allowed to become parties defendant in said Suits, or to some of them, and give bond for the number of logs respectfully claimed by them in some reasonable sum named and in case this is so ordered the petitioners bringing their said Replevin suits would prefer to stand on the same footing with other claimants, rather

than prosecute their said Replevin Suits - and petitioners further pray that an order be made in the premises by which each claimant may be allowed to give bond for the number of logs claimed by each respectively, and that the Marshall, in the presence of the claimants, or such of them as may see proper, to be present, shall take a correct Schedule of said logs by their marks as far as any marks appear thereon and that each claimant may have a duplicate copy of such schedule as same is taken, or may take his own Schedule at the same time, and for such other & further relief as may be proper & right in the premises, & your petitioners will ever pray.

(Signed) Littleton Lee

Thomas Roberts. pr
T. H. Price atty

John McCormick. pr
T. H. Price atty.

H. A. Dannerly. pr
T. H. Price atty

Robt S. Dickin
David Cowart
Henry Brenam
F. R. Williams
Robert Thompson
H. F. Acker
G. W. Pierce
Jerry Pierce
Willis Tanner.

Subscribed and Sworn to before me this

Commissioner Seal

12th day of January A. D. 1878.
(Signed) Henry S Kaatz.
U.S. Commissioner.
So. Dist. of Ala.

Schedule of Logs and their marks as claimed by the said Petitioners,

Names of Claimants.	Marks of Logs.	No. of Logs.
Little Lee	LE-PA-XY or YX. and ME.	3000
Robt S. Dickin	HD-XDX-VI on butt + X in middle of Log - and D.	1300
H. Branam	VIV - possibly some other brands on same Logs	600
F.R. Williams	FW and F.R.W. -	400
Thomas Roberts	TR -	125
John McLemore	M on end & belt on middle	250
Jerry Pierce & Gen W. Pierce	JP-WXP-& PXP-	600
H.F. Acker	XP-	300
D. Cowart	SC -	175
R. Thompson	TH or I-T	200
H.A. Dannerly		
Willis Tanner	V -	500

It is ordered that the within petitioners be admitted as defendants in the within named replevin Suits, and permitted to defend their respective rights to the property therein

named, and that they be permitted to execute forth coming bonds for the same respectively in the same manner that they would have been had actions of replevin been seperately sued out against them, and upon such bonds being given that the property so described and recited therein be delivered to them respectively - It is further ordered that any other persons claiming any of the other logs seized by the marshal may join in this application and obtain like benefits upon compliance with the requirements herein stated - this 28th January 1878.-

R.A. Hill

Judge.

I Jas W McKee acting Clerk of the Circuit Court of the United States for the Southern District do hereby certify the foregoing nine pages to contain a true full and perfect transcript of a petition filed in the office of the Clerk of said Court together with the order of the Judge thereon, as fully and completely as the same now remains on file in my office.

In testimony whereof I

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Seremto subscribe my name and
affix the seal of said Circuit
Court at office at Jackson in
said District this 5th day of
March AD 1878.

Jas Wilmoth
Acty Clerk

So Dist. of Miss

207

DEPARTMENT OF JUSTICE.

Received March 20, 1878.

Dated " 19, 1878.

From J. L. Bradford.

Asst U. S. Atty.

SUBJECT.

Telegram. rel. investigations made in matter of log cutting cases.

ACTION.

Answd Mch 21/78

Genl

54

274 Govt 6 Pres

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.

Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of UNREPEATED MESSAGES, beyond the amount of tolls thereon. To guard against mistakes or delays, a message may be repeated, at the rate of one and one-half the ordinary rates, and the Company will not hold itself liable for errors or delays in transmission or delivery of REPEATED MESSAGES, beyond fifty times the sum received for sending the same, unless specially insured. No responsibility beyond the amount of tolls paid will be incurred on account of messages sent to points beyond its own lines, except by special agreement. Messages will be received for transmission, subject to the regulations adopted by the Company, which are hereby agreed to by the sender of the following message.

A. R. BREWER, Sec'y. 14 WILLIAM ORTON, Pres't.

Dated New Orleans Feb 19 1878

Received at N. E. cor. 14th St. and Penn Ave., Washington, D. C. 057

To Hon Chas Devens

Attorney Gen U S

Washn D C

READ THE NOTICE AT THE TOP.

Have just returned from twelve days tour of investigation & preparation in South Mississippi surveys of land depredated ^ seem all important have funds been or will they been appropriated for them in any event should I now go to Jackson to save time and incur expense of preparing maps and field notes to guide surveyors in field operations. When appropriation is 57/

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.

Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages.

This message is an UNREPEATED MESSAGE and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated _____ 187

Received at N. E. cor. 14th St. and Penn Ave., Washington, D. C.

To 2

Trade will report by mail tomorrow

J L Bradford

79 P d GR

ABt

READ THE NOTICE AT THE TOP.

51

So. Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received March 25, 1878.

Dated " 20, 1878.

From J. L. Bradford.
Sp. Asst U. S. Atty.

SUBJECT.

Report rel. to supposed trespass upon public lands in Miss. etc.

ACTION.

To Sec. Int. March 26, 1878.
& copy.

Genl

59

So. Dist. of Miss.

2/5 DEPARTMENT OF JUSTICE.

Received March 25, 1878.

Dated " 20, 1878.

From J. L. Bradford.

Sp. Asst U. S. Atty.

SUBJECT.

Report rel. to supposed trespass upon public lands in Miss. etc.

ACTION.

To Sec. Int. March 26, 1878.

& copy.

Genl

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CONN. VALLEY
ABSTRACT LEGAL CAP.
No 18.

DEPARTMENT OF JUSTICE
MAR 29 3 PM

111 Natchez St.
New Orleans La.
March 26th 1878

Hon. Charles Devens
Attorney General
Washington D.C.

Sir;

On the 17th inst. I started to Scranton Miss. in order to visit as many of the localities of supposed trespass upon the public lands in that State as my limited time would allow me to do. I arrived there late at night, spent the next day in procuring a suitable team and conveyance for travelling in the interior, viz laying in such necessaries of food & cooking implements, food for horses &c. &c. as the poverty & wildness of the country to be traversed rendered essential to progress and success.

I found in the custody of the Principal deputy Marshal there, deposited with him by Mr. M. A. Carter, Special Agent of the Interior Department, one hundred & twenty five township maps which had been prepared for the use of the agents of that Department, by the local land office at Jackson Miss. They indicated the streams, & distinguished between the tracts of land belonging to the United States & those heretofore granted to the State, sold to individuals, or otherwise disposed of under the homestead or other laws of the United States. They had been prepared in haste

Were marks of slovenliness & inaccuracy.
They did not profess to give areas, nor to
show the lengths & courses of any of the lines.
They had never been unrolled, folded,
endorsed & clasified into counties &c. Sat
once set to work with an assistant & got
through that work late at night - Such as
they were they seemed to be sufficient for
my purposes, were doubtless designed
to give a pretty accurate idea, at least
to an adept in such business, whether
timber cut on or near the streams laid
down upon them had been severed from
public or private property - For this
purpose they were indispensable to me
& gladly took them along, leaving Scranton
on the morning of the 9th in the midst of a
severe equinotial storm. I employed an
experienced guide to drive, feed & groom
the animals & cook when I could not get
accommodations in the houses - And I soon
found as I had been warned, that camping
out, the weather being temperate, was
far pleasanter in all respects, than seeking
such accommodations as, now and then,
were available.

In addition to the guide, whom I agreed
to pay a dollar a day while we were out,
I induced Mr E. Sherman to accompany
me. He had been & still was in the
employ of Mr. Carter, & not long before had,
with the same person I employed as guide,

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No 18.

gone on a trip in an open boat up & down most of the principal streams on which the depredations had been carried on in Mississippi. They had taken no town-ship maps with them showing vacant lands, & although they obtained & reported much information as to fields of depre-dations, the position of rafts &c. yet they could say nothing as to the legal status of the lands cut upon. I gladly availed myself of the opportunity of having Mr. Shearman with me, & he proved himself useful & an agreeable companion on such trying & rough business.

The first ferry we came to, very near Mobile Point, was so exposed to the violence of the wind, that it was impossible to cross, the boat being unable to live in the waves. We made a detour of some miles & reached another ferry higher up in a sheltered position where we succeeded in crossing, & then we made such headway as bad roads & swollen streams would permit, going northward, on the east side of the Pascagoula river. At night having travelled about 25 miles, we took refuge in an abandoned house, where we spent the night on the floor, the storm raging so that sleep was impossible, the house rocking & threatening momentarily to come down, parts of it being blown away. The horses had to be brought inside the house to escape

the pitiless wind & rain. I mention these circumstances to show what I had to contend against, & will add others of a like character in Part Passu.

As I went along I kept my township maps open before me & with my experience in such affairs found no difficulty in always being able to tell, with sufficient accuracy for my purposes, where I was & to know what lands had been cut upon. In this way I went northward up the east side of the Pascagoula to where the Chickasawhay & Leaf Rivers joining form the first stream, when I continued Northeastwardly up the east side of the Chickasawhay to Leaksville, the County Seat of Green County. There I crossed Chickasawhay & went westward, stopping for investigation & enquiry on Big Creek, Okatibeha, Atkinson's Creek, Gaines Creek, Thompson's Creek & Bogue Homa. I had purposed to go on up the North side of Leaf River, stopping on Tallahala, a large stream coming in from the North, & visiting Bowie Creek, the principal affluent of Leaf River from the West, & then to pass Southward to the headwaters of Black Creek, down said Creek, then up Red Creek, & thence to the Big & Little Biloxi Rivers. But on reaching Gaines Creek about 3-O'clock one evening I found it very high, one end of the long bridge floating & the water on that side beyond the head of the bridge deep enough for a long distance

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to swim a horse. I had no recourse but to camp on the bank, as the water was falling rapidly, & to wait till it fell sufficiently to wade the horses, transport our effects upon them & float the vehicle. This we effected by 10 o'clock next morning, nearly losing one of the animals by drowning, & so breaking the vehicle that we had to stop at the next farm house & make such rude repairs as were possible. On the evening of the same day I reached the Bogue Homo, a large stream coming into Leaf river from the North and entering a little below Augusta the County Seat of Perry County.

There I found the bridge, a long structure of 160 feet, totally swept away & further progress in that direction impossible. The flood swept by with such rapidity that it was folly to attempt to construct a raft out of the debris of the bridge, with which to cross, as I had hoped to do. No rope of any kind could be obtained, only a very large & strong one would have rendered crossing in such mode at all safe. I was informed there was another though inferior bridge, 30 miles higher up but it was also supposed to have been swept away. I encamped therefore on the bank & early next morning reluctantly returned down the Leaf river about 25 miles & found a ferry by which I was enabled to obtain the South side

thence to get out on Black Creek.
This stream Red Creek, flowing almost
parallel to south of it, have for years
afforded to the mills near Scranton a very
large percentage of all the logs manufactured
into lumber there, & it was from the lands
upon them that it was supposed a great
portion of the logs, timber & lumber under seizure
had come. I visited both streams, went
up Black Creek so far as the roads, or
rather paths would permit. From Red
Creek I visited & crossed the Big Biloxi,
reaching the rail road again at Mississippi
City, a station about 30 miles west of Scranton,
on the evening of the 18th inst., having been
out ten days. Thence I sent my team
& vehicle by rail to Scranton, (the only
practicable way), & came here to confer
with Mr. Carter & obtain information on
several important subjects. I telegraphed
you yesterday promising to submit this
report to day as I now do.

Having thus stated what ground I
went over & tried to go over I suppose
it is my duty to submit, in addition, my
views of the situation such suggestions
as occur to me. And in doing this
I wish to be frank. As an Attorney for
the Government I think it my duty to make
a good case wherever that may be fairly
done. But where I find a case cannot be
made there I think it my duty to tell you so

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to get rid of such case as soon as possible.
And these I know to be your own wishes.
I must confess that my examinations have
moderated the views I had entertained as to
the extent of the depredations on the public lands
of the United States in the region traversed
by me. While I have seen with my own eyes
aided by the maps before me, showing what
were public & what private lands, that those
depredations have been very extensive, yet
I find them less so than I had believed.
They are far less than they were in the Cal=
=casieu country of Louisiana. The principal
object of my enquiries was to find out as
near as practicable, with reference to section
township & range, the places where the timber
claimed by the United States had been cut,
so that so soon as funds were appropriated
for surveys, (or sooner if desirable), the surveyors
might be promptly furnished with maps & field
notes of the old surveys of such localities
those only, thus saving time, which to us is
all important, what I might know at what
points to set them to work. To aid me in
this work the township maps I have referred
to were entirely indispensable. Taking such
as contain the principal rivers & streams on
which timber has been cut it is apparent, from
the sales, swamp land, selections & homestead
entries laid down upon them, that nearly all
the land on both sides of such streams for a dis=
=tance of about a mile from the banks, is not

the property of the United States. In many places on such streams the private lands extend out two miles, in others about a mile & a half. In few places do they extend out less than a mile. I will apply these assertions to the Pascagoula, the Chickasawhay, & the Leaf Rivers. As to Black Creek, Red Creek, Tallahala, Bowie Creek, the Bogue Homo, Thompsons Creek, Gains Creek, Atkinsons Creek, Ocitibbeha, Big Creek, & a few others of the largest Creeks, it is difficult to make any safer assertion than this general one. That although a good deal of land on & near them is private property or State land, yet such tracts occur so irregularly that it cannot be said, as a rule, that the private lands extend any general & uniform distance from them. It might be safer to say that a certain percentage of all land within hauling distance of such streams was private property. Putting the hauling distance at a mile & a half from the stream it may not be amiss to say that about 25 per centum of the land within such limits had passed out of the government.

Now there are two kinds of depredators. 1st. Those who cut down the "square timber" for naval purposes & who, in order to get large symmetrical trees, will sometimes go two or three miles from the streams. Their depre=dations are necessarily very scattering, they seldom getting many "sticks" on any one tract. 2nd. Those who cut the saw logs for the use of the mills situated on the streams to which they

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can be advantageously floated. This latter
class of depredators are the most numerous
& its ravages the most serious. In many places
near favorable streams nearly every tree of
proper size has been cut and removed.
From what has been said you will readily
infer that where, as seems to be the case
in Mississippi, extensive seizures have been
made without careful preliminary examinations
in the field, aided by maps showing what were
public & what private lands, the ratio between
the logs &c. rightfully & wrongfully seized will be
about the same as the ratio between the public
& private lands situated, as I have shown,
on & near streams upon which we know such
timber has been obtained. One consideration
may modify this just inference. Upon the
rivers named, along which the private lands
are most continuous & extend deepest into the
interior, the supplies of timber were most
available & accessible & therefore most valuable
& earliest sought after. And as the lumber
trade there has been a large & flourishing one
for many years, such lands, with few exceptions,
were the first to be denuded of their logs.
Of late years the cutting has of necessity been
carried higher up such rivers, where the land
has not so generally passed from the Government,
& upon smaller streams where, as I have shown,
still less land has passed. Upon a great
many streams, & indeed that floating can be effected
only after heavy rains & then for only a few

miles of their lower parts, no land at all has passed from the Government, or such small quantities as amount to nothing in comparison with that remaining.

Why any logs, timber, or lumber were seized which came from private lands is a question, as Counsel for the Government, retained long after the date of such seizures, have nothing to do with. And why we cannot now distinguish between such property as has been wrongfully rightfully seized, with a view to releasing the former holding on to the latter, although it is a question with which I have much to do, yet it is one far more easily asked than answered. In attempting an answer we must consider that in all or nearly all the suits now pending the defendants, chiefly those owning or interested in the saw mills, were found in possession of logs, or sticks of square timber", which they had purchased or acquired from different persons, which were cut from different places, came to them from different streams. Indeed in some of the suits the logs found in the possession of a single person, or firm, all lying in a single "boom" or "drift" have come from Alabama & Mississippi, & those from each State have come from many different streams localities & persons. And I was informed over there that the books of the mills had been kept in such a manner that, even if the United States could have the benefit of their evidence at the trials, they could not show

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from what State, Stream or locality particular brands of logs purchased by such mill came from.

The custom is for the mill owner to buy the rafts of logs as they are delivered & placed in his "drift," "boom" or other secure harbor where he keeps his supply of timber. He then puts his "purchase brand" on each log. He generally does not know or care on what land the logs were cut, though doubtless at the time of purchase he may know what streams they came down & who brings them & who sells them. The Marshal's inventories which I have had copied for the use of the government in preparing the cases for trial, show minutely the character, brands, numbers &c. of all logs seized in each case. But I have no reason to think we can obtain from the persons in whose possession the logs were, or from their books, (where such defendants were mill men & kept books), proof showing who each brand was purchased from & what stream such person cut or himself purchased such brand from. And even if this proof could be obtained in any or all cases. Still we would only have our labors narrowed, not ended. For when we knew the stream the brand came from, the person floating it out, & the year the timber was cut, still the precise tract or tracts of land furnishing it would have to be identified.

A glance at the map will show the immense extent of country bearing pine timber drained

by the streams concentrating at the mills near Scranton. In Mississippi alone so many streams have been cut upon & for such great distances up many of them, that it would probably take a good rider on horseback two or three months to ride over (not stopping at a single spot), the lands where the cutting has been done.

Now within all of that region it is impossible for me to name a single stream having pine forests on its banks large enough during freshets to float logs, or a single tract of land within a mile or a mile & a half of such stream, on which, from the lights now before me, we can say that some of the property seized has not been taken. The inventories furnish much information as to who cut & hauled many of the brands & from what streams they came, & in some instances where they were cut. And I am obtaining & collecting more of the same kind of information. But in most cases such testimony will fall short of what I would wish to rely on in going to trial. For I take it that none of the ignorant men & negroes who have chiefly done the cutting, hauling & rafting can swear positively as to the very tract of land whence any particular brand was obtained.

The federal surveys in that region were made about sixty years ago & the lines are not easily traced or known, & he who would swear boldly that he knew that such & such timber was cut from such & such a section in a particular township & range, would, on cross examination,

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reveal the fact that his testimony was the result of mere opinion, hear-say or reputation, unless indeed, (there is the gist of the whole matter) he had accompanied the Surveyor who had gone upon the ground with maps & field notes that clearly identified the lines & corners.

Therefore we can get several good surveyors in the field & they have a little time before Court meets, we may prove much. Without them we can prove but little. I have all the localities, at least in Mississippi, where they are to go to work & my plan is to supervise their operations, expedite their ~~work~~ movements instruct them in procuring, recording and collating all the facts attending each depredation they shall find to have been committed on land shown by their maps to be the property of the United States. Among these facts, so easily & practically attainable by them while retracing the lines & lingering upon the very ground, & so hardly attainable in any other way, I think the chief ~~fact~~ would be the procuring the names & abodes of those who did the cutting, hauling & rafting, so that such persons might be then immediately subpoenaed as witnesses for the United States. We would then have before the Court the return of the Marshal showing the brands, the testimony of the cutters &c. showing what stream and locality the brand was taken from & the testimony of the Surveyor identifying the

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very land whence it was taken. And if
on proof before the Court then showed
such land to be the property of the
United States our case would be made
out. From this it will appear that
we can have but little success unless Congress
appropriates & that very sparingly, means to
enable the Interior Department to place at
least three or four competent Surveyors
to work. We may gain some cases without
their aid, but no substantial success is
expected by me without them. It will
required, even if we now had funds, about
ten days to procure from the Land office
& the old Surveyor General's Office, both at
Jackson Miss. the record information out
which Surveyors could proceed. Each
Surveyor would have to supply himself
with a wagon & team, provisions, tent & other
conveniences for maintaining himself & his
men, because the country is so extremely
poor so thinly settled, so wild & withal
the people so indisposed to receive or
accommodate the Government employees,
that each would have to rely upon himself
alone, indeed he would save time & money
by doing so. He would have to send his
supplies from here by the Mobile Rail
Road & haul them Northward to the places
where they would be at work, distances
ranging from 25 to 75 miles. The roads
are horrible, the streams numerous & the

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Bridges few bad - Should wet weather
prevail their movements would be impeded
the absence or washing away of bridges
would increase their troubles.
I mention these practical reflections to
prepare you for the worst in the event
that Congress does not quickly come to
our aid -

In the course of my examinations I
took memoranda of many species of
rascality practiced about the public
lands in that part of Mississippi -
Time did not permit me to extend
them - Indeed the field is so ample
& so wide in its territorial sweep, that it
would take me months to make the exam-
-inations as fully as I would like to do
before instituting new suits or criminal
prosecutions - For I now refer to depre-
-dations not heretofore taken notice of
or made the subject of any proceedings.
Of course until the suits now pending
are disposed of I have no time to
institute any others, civil or criminal.
I only took some notes as I went along,
on which I may amplify & proceed when we
have more time Without wearying you
with statements of facts in particular cases
thus coming before me I will suggest
the course I would pursue for the
future -

I would not initiate suits hereafter

by the seizure of any property whatever save in exceptional cases. The excitement, prejudice & abuse engendered by seizures, & above all the expense of making them & holding the property, are serious objections to them in all cases. Then too the nature of logs & timber is such that they must be sold if at all on or near the lots where seized, & healthy competition is almost out of the question at such sales in such places.

I would proceed criminally, or civilly, or in both ways, according to the circumstances of each individual case & the property, character & station of the offender.

The mode of criminal procedure open to us is prescribed in SS. 2461 & 2462 of the Revised Statutes, as modified by SS. 4751, 1044 & 1047. I take it that if we sue for the pecuniary penalty & imprisonment under Sec. 2461, we must proceed by indictment found within two years after the commission of the offense. But if for the penalty alone, that under Sec. 1047 we may sue civilly for it within five years. So much for the remedies given by federal law. Under the laws of Mississippi we have three modes of civil procedure - none criminal to my knowledge.

1st By the action of Replevin. This is provided for in Chap. 16. P. 308 Revised Statutes of Mississippi for 1871. Unfortunately

CONN. VALLEY
ABSTRACT LEGAL CAP.
NO 18.

for us this is the mode under which the suits we have now to deal with were commenced - Under it we can condemn no property not shown to have been severed or taken from the lands of the United States within the year previous to the issuing of the writs. This will probably be fatal with regard to part of the logs, timber & lumber seized.

Under this form of action we can only recover the actual things seized & dbt damages for its severance or taking, & costs of suit. No penalties are provided.

The mode seems to have been adopted because it gave an easy way to get possession of the property claimed. But I would not have chosen it at all -

2nd " By an action at Common law for waste or trespass, which under Sec. 2151 of the Mississippi code referred to, may be brought within six years next following such waste or trespass. Here no special damages could be recovered no penalties.

3rd " By action for Specific penalty of fifteen dollars for trespass under Section 2473 of the same code. Under Sec. 2479 this action is only available when the depredation antedates the action not more than twelve months.

As stated I would in future select my mode of procedure according to the facts of each case. And if we are compelled

to dismiss any of the Replevin Suits now pending, I shall, if I maintain my existing relations with your department, select some one or more of the above remedies after the fullest examination and preparation in each case, conpider it my duty to begin anew. I would select the most prominent offenders & deal hardest with them. Civil judgments may be made out of some of them and if they are brought to bay smaller offenders may be intimidated.

Some white men have forged the names of negroes to affidavits and applications under the Homestead laws, making the entries for them have stripped the lands of their timber. Such may be dealt with as forgers the officers of the County Courts falsely certifying to the identity of the affiants and their personal appearance before them may also be punished. The evil has only been suspended, by no means ceased. Should the present Suits fail or even be dismissed for Technical grounds the mass of those ill informed men will look upon it as a practical victory to them Sanction of their practices & they will repeat them with increased boldness & effect.

Very Respectfully
Your obt. Servt
James L. Madson
Spcial Asst. U. S. Atty

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received March 25, 1878.

Dated " 21, 1878.

From H. R. Ware.
Asst U. S. Attorney.

SUBJECT.

Suggesting that case of U. S. vs F. S. Hunt et al be tried by Judge Woods instead of Judge Hill.

ACTION.

To Judge Woods, March 26, 1878.

March 21st 1878.

Suggesting the
Case of U. S. States
Vs. D S Hunt et al
Should be Tried before
Judge Woods in place
of Judge Hill

H. R Ware
Asst Dist Atty

Jackson Miss. March 21st 1868.

Sir

Referring to the Case of the United States vs W.S. Hunt et al. about which I have written Recently, I have the honor to say that there is a matter about which I have often determined, and yet have hesitated to write you, And even now, I am in doubt, where my Duty begins or ends. in the Special matter about which I would write. It is this. looking to the interest of the Government. I do not feel willing to try this Case before Judge Hill, for this reason, Chiefly We have agreed to, or Moved for, Continuances in the past. hoping to get the Case before Judge Woods upon whose of Circuit it properly Comes. this delay in the trial, has perhaps occasioned some doubt in the mind of yourself or the Solicitor as to the performance of our Duty in the Case. I have the honor therefore Respectfully to ask. if in any way you can aid Mr Baldwin & myself. by Suggesting to Judge Woods Your desire, that he should

by this Court. And while I ask this, I may in ignorance be asking that you should interfere in a matter where you have no discretion if I commit this error, I trust you will know it is only from a desire to have a fair hearing of a Case of Some importance to the Government, And I trust also you will not construe my suggestion into a reflection on Judge Hill for whom I entertain the highest Respect, and whose official and personal relations are of the Kindest character. I need not encumber this letter with Reasons why I would desire that this Case should not be tried before Judge Hill, further than to say: 1st That F. S. Hurst was a friend of his, and one in whose integrity he has the most implicit faith, and he expresses himself, the Public opinion here or the Outside presence is very great for the Defendants. Need I say that a Judge who would be free from these influences would be better qualified to deal even Justice in this Case

I take the liberty of enclosing a letter just Rec'd from E E. Baldwin, from which you can be entertain Similar views to what I express

You will remember the telephone in regard to Retaining Mr Johnson in the Case. I now hope it will not be but would if much assistance in the Trial necessary absolutely. I have the honor to be Very Respectfully

Hon Chas. H. Devens
Atty Genl
Washington. D C

A. R. Ware
Ass't U.S. Atty

Office of
E. E. BALDWIN,
Attorney at Law,
BOLTON, MISS.

March 19th, 1878

Hon. H. R. Ware.
Jackson, Miss.

Dear Sir,

Your favor of yesterday has come duly to hand. My wife has been so unwell for some that I have not been able to leave home at all, much of the time even to go to any office, until last week, when I took a little run to Braddon, to go for the Bank, in the Gunn case. I am glad to hear that Judge Woods will hold the court in May, as I have never been willing to try the Hunt case before Judge Hill. I will drop next week, if she continues to mend, and give the case a thorough overhauling with you.

Yours Resp.
E. E. Baldwin.

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So Dist. of Miss

DEPARTMENT OF JUSTICE.

233

Received March 29, 1878.

Dated " 25, 1878.

From L. Lea.

U. S. Attorney.

SUBJECT.

Report rel. to charges made by Howard H. Wilkinson against Jas Gainey U. S. Deputy Mar, & C. Chandler, Sp. Agt.

ACTION.

File

73

Office of

UNITED STATES ATTORNEY,

FOR

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPARTMENT OF JUSTICE MAR 29 1878

Jackson, Miss., March 25th 1878.

Sir.

Your letter of the 2nd inst. inclosing a copy of a letter from Howard W. Wilkinson to the Secretary of the Interior, dated Feby 20th 1878, and instructing me to investigate the charges therein made against J. J. Gainey, U.S. Deputy Marshal, & G. C. Chandler, Special Agt. of the Post Office Department, was duly received.

As my telegram of the 5th inst advised you, the proper performance of the duty enjoined on me by your letter, required that I should visit the Mississippi Coast. Having done so, I avail of the first time I have been able to command since my return, to report the result of my investigations.

The charge against Gainey is, (I quote from your letter) "that a Mr. Nevers, who has in his possession, a large number

P.T.O.

of logs cut from the public lands, has prevent=
=ed the same from being seized, by giving to
Deputy Marshal Gainey $250."

The Charge against Schandler, as stated by you,
is: that one G.C. Schandler in the employ of the
Post Office Department has been & is advising
log & Mill-Men in violation of the confidence
of the Government how to evade the law & thus
prevent the United States from realizing the
value of its property."

I arrived late in the evening
at Bay St. Louis, Mr Wilkinson's place of residence
but lost no time in notifying him where I
was to be found & of my desire to see him. It
was not however until the afternoon of the
next day that he made his appearance.
I promptly informed him that a copy of his
letter to the Secretary of the Interior had been
sent to me by you, with instructions to

P.S.

investigate the charges he had made and I requested him to give me the names & Residences of the witnesses by whom the Charges could be Established. He answered by Stating, that Capt. James Mitchell, of Bay St. Louis, would testify to the fact that Sevens had admitted to him, Mitchell, that he, Sevens, had prevented his logs from being seized by paying Gainey $250. He mentioned no other Witness by whom any act of bribery in connection with the timber business could be proved.

With reference to the charge against Chandler, he said a lady had heard a Conversation between Chandler & one Alex. Cameron, a Mill Man, whose logs were under Seizure, in which Conversation advice was given to Cameron by Chandler, as to how he should proceed in recovering his property, & in bringing about the indictment of Special Agent Bartley for perjury; but the

lady, he said, was unwilling to testify in the matter & he could not give me her name, as he had promised not to divulge it; nor did he give me the name of any other witness who could testify to the truth of the charge against Chandler.

My next Effort was to procure an interview with Capt. Mitchell, but it was not until the morning of the following day that I succeeded in so doing. In the meantime, I sought to learn what I could concerning Mitchell, & ascertained that he is a highly respectable old gentleman, long a resident of Bay St. Louis, & of well established Character for honesty & truth. On explaining to him why it was I had requested him to call on me, he proceeded to make, substantially, the following statement: I was employed by Mr Bartley to assist in finding out logs, timber &c that had been cut from the public lands;

in the performance of the duty assigned me, I went to the Mill of J. L. Nevers, on Wolf River, & after informing Mr. Nevers of my employment, said to him that I was there for the purpose of ascertaining the number of logs & quantity of lumber he had in his possession; Mr. Nevers thereupon interrupted me, & said: "I will give you a draft on New Orleans for $150. if you will go away & not interfere with my business"; I was taken by surprise, & pausing for a moment to consider whether Mr. Nevers was really trying to bribe me, he, without waiting for me to answer him, went on to say: "if that is not Enough, name your price, & I will give you a draft"; believing him then to be in earnest, I said to him, indignantly, Mr. Nevers, You cannot buy me; and I now demand to know why it is that your logs & lumber have not been Seized; his reply was: "I paid for it"; - he did not say

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how much he had paid, or to whom. but I have heard it rumored, that the amount was $250; & that it was Mr. Gainey to whom the money was paid. He added; I think I know a man here who heard Nevers say he paid that amount to Gainey." In this particular however Capt Mitchell was mistaken, as he subsequently informed me.

Several circumstances gave color to the report that Gainey had been paid by Nevers not to seize his property. 1st. It was generally understood that Nevers owned but little land, & that his logs were mostly cut from public lands. 2nd. The Mill of Nevers was the only one in that vicinity, the logs at which had not been seized. 3rd. At a Mill owned by Hand & Keel, on the opposite side of the river, & in full view from Nevers Mill, a small lot of logs & lumber was seized by Gainey in person, while there was no

Seizure of a much larger lot at Nevers' Mill. 4th, Hand & Keel owned large bodies of pine land & Nevers did not. 5th, there was no apparent reason for the singular immunity with which Nevers was favored. - while the Mills of his neighbors had been stopped, his Mill was permitted to run without interruption, and his business was the more remunerative in consequence of the general Suspension.

Intent on Solving, if practicable, the mystery in which the case seemed to be involved, I determined to visit Mr. Nevers in person, & see what Explanation could be obtained from him. I accordingly hired a Schooner, (the best means of reaching him), & taking Capt. Mitchell with me, sailed across the Bay & up the river to Nevers' Mill, which is a short distance from his residence. He met us cordially & Extended to us a generous hospitality. A Frenchman

by birth + in manners, he is full of vivacity, humor
+ Shrewdness. Bold + audacious, but circumspect +
cautious in his Eager pursuit of money, I can
easily conceive that he is just the man to bribe
a public officer, on occasion, without Scruple.
but with well arranged Safeguards against
detection. He frankly admitted the Correctness,
substantially, of Capt. Mitchell's statement of
the Conversation between them, + he explained
it thus: Shortly before he saw Capt. Mitchell,
he learned that two or three tramps had been
on Pearl river, blackmailing the log + Mill
Men there, by representing themselves as Gover-
-ment agents, + the proposition he made to
Capt Mitchell was with no intent to bribe him,
but for the Sole purpose of ascertaining whether
he too was not an impostor, Seeking to ~~extort~~
money by falsely pretending to be engaged in
the public Service. He not only denied

having paid Gainey any money, but affirmed that they had never met, & that he would not know Gainey if he saw him. He also denied, that he had paid money to any body to prevent his pro-=perty from being seized; And when I asked him how he accounted for the fact that it had not been seized, he attributed it entirely to his good luck.

When I returned to Bay St. Louis, I again saw Mr. Wilkinson & informed him of what Nevers said about Gainey. He replied by men-=tioning the names of several persons who he said could prove that Nevers & Gainey were personally acquainted, & that they had been seen together at Nevers' Mill. I hunted up the persons mentioned, & found that neither of them was willing to contradict the Statement of Nevers.

On my arrival at Scranton, Gainey's headquar-=ters, I had a conversation with him in relation

to the exemption from Seizure of the logs in the possession of Severs, & this conversation confirmed me in the opinion, previously formed, that the charge of bribery against him in that connection had no foundation in fact. He spoke of Severs in a way that satisfied me of the truth of the latter's assertion, that he & Gainey had never met & were personally unknown to each other.

I deemed it due to Mr Gainey that he should have an opportunity to Explain why it was that he did not Seize the logs of Severs, & his Explination, reduced to writeing at my request, is herewith transmitted. Unable to hear of any witness who would testify in support of the charge against Chandler, I concluded that I would see Mr Cameron & learn from him directly what he had to say touching the alleged conversation between Chandler & himself. I therefore procured a carriage & rode out to his mill and

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& residence, on Jordan river, some three or four miles from Bay St. Louis. Finding him at home, he stated, in answer to my inquiries, that when his logs were seized, he knew the seizure to be unjust; & being a British Subject, he desired to protest against it: that Judge Chandler, who was & is his friend & neighbor, gave him some assistance in preparing his protest; that the affidavit made by Special Agent Bartley, in his case, was false; that it was his intention to have Bartley indicted for perjury, & that he had held some Conversation with Judge Chandler on that Subject; but that he could not undertake to repeat what had been said to him by the Judge in that Connection, & did not consider it of any material importance. Apart from the foregoing Statement of Cameron, I was unable to learn from any source, that Judge Chandler had said or done any thing that even tended to Substantiate the Charge against him.

On the contrary, my information was that he had declined to give advice to a number of the Mill-Men, for the reason that he was an officer of the Government.

Very Respectfully,
L. Lea,
Ass't Attorney.

The Attorney General,
Washington,
D.C.

J. J. Gainey, Dep. U.S.
Marshal,
To
Luke Lea, U.S. Atty.
March 18. 1878.

Why loss Humber in
possession of J. L. Stevens
was not seized by him.

Scranton Miss
March 18th 1878.

Hon. Luke Lea
U. S. Dist. Atty.
So. Dist of Miss

Dear Sir:

In answer to your inquiries "why I did not seize any timber or lumber from Mr Revers, Mill man, on Wolf River in Harrison County Miss, and asking me for an explanation thereof" I have simply to state that being only an executive officer of the Court I did not deem it my duty to make any seizure of said property until a writ was issued by the Court commanding me to do so, this not having been done you will readily understand my reasons for not making any seizure in the premises - I did however, believing it to be my duty, notify Spl. Agt. Carter in New Orleans, that I believed Mr Revers a proper subject to take hold of and make seizure of his property, as I had ascertained that he Revers, purchased indiscriminately all the logs sawed by him, that he had no lands of his own, and that he was then spiking his logs in anticipation of a seizure of the same by the Marshal - No writ was ever issued hence no seizure was ever made - This and this only, was my reason for not taking possession of such property.

Very Respectfully
J. J. Gainey
Deputy U. S. Marshal in charge

86/

To Dist. of Miss

DEPARTMENT OF JUSTICE.

25-2

Received April 17, 1878.

Dated " 13, 1878.

From J. Z. George.

SUBJECT.

Rel. to Charges preferred against Judge Burke & U. S. Attorney.

ACTION.

File

W. P. HARRIS. J. Z. GEORGE.

OFFICE OF

HARRIS & GEORGE,

Jackson, Miss. 13 April 1878

Dear Sir,

I have known that charge to be true for
years but Little Lew [redacted] off & to Both
of Miss & the [redacted] he did not feel
such pains & [redacted] serious charge such
Conspiracy & villainy & he [redacted]
in 1876.

I believe it my duty to say, that the charge
does grow injustice to [redacted] Lew [redacted] & has
[redacted] part & parcel of the [redacted]
part a Conspiracy. & a fact. of our enemies
that was real. [redacted] & [redacted] false. that could
ever a [redacted] which has made the basis
of the attack I [redacted] with the assent of our
prominent [redacted] Know what [redacted] & opposition
to [redacted] & [redacted] & [redacted] & [redacted]
any [redacted] antagonism

It is my [redacted] of my duty
to work to [redacted] in any way. [redacted] & [redacted]
assistance & counsel [redacted]

W. P. HARRIS. J. Z. GEORGE.

OFFICE OF
HARRIS & GEORGE,

Jackson, Miss. _____ 187

So Dist. of Miss

259.

DEPARTMENT OF JUSTICE.

Received April 18, 1878.

Dated " 14, 1878.

From C. Richmond.

SUBJECT.

Acknowledging receipt of draft for $146.48/100.

ACTION.

Filed April 19. 1878.

Jackson Miss.
April 14th 1878

Your favor of the 10th
containing draft for $146.15
for service rendered in
the case of A. T. Gardner
No 2539 pending in the
Court of claims is received.

Respectfully yours
Enos Richmond

To-
Samuel Mulliken Esq
Disbursing clerk dept of Justice
Washington D.C.

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So Dist. of Miss

DEPARTMENT OF JUSTICE.

2851

Received May 3rd 1878.

Dated " " 1878.

From L. Lea.
U. S. Attorney.

SUBJECT.

Telegram rel. to dismissal of timber suits

ACTION.

Answd May 3, 1878

Genl

93

Department of Justice
Washington.

GVT..CXCI. JACKSON MISS.MAY THIRD. THE ATTY.GENL. WASHN.DC. B

2000 — 4pm

95

C. BRADFORD WRITES ADVISING IMMEDIATE DISMISSAL OF ALL TIMBER SUI

SUITS EXCEPT THE ONE COMPROMISED I CONCUR AND WILL GIVE NOTICE OF

OF DISMISSAL TOMORROW UNLESS YOU OBJECT. L.LEA. U.S.ATTY. XXXVI COL

OMORROW UNLESS YOU OBJECT. L.LEA. U.S.ATTY. XXXVI COLECT.GVT-RATE.

To Dist. of Miss

282

DEPARTMENT OF JUSTICE.

Received May 4 1878.

Dated " 3 1878.

From L. Lea.

U. S. Attorney.

SUBJECT.

Telegram acknowledging receipt of dispatch rel. to Log cases.

ACTION.

Filed

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Blank No. 1. 346 9.53 Am

THE WESTERN UNION TELEGRAPH COMPANY.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.
Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of **Unrepeated Messages.**
This message is an **UNREPEATED MESSAGE** and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Sec'y. 26 No WILLIAM ORTON, Pres't.

Dated Jackson Miss May 3 187 5

Received at 960

To The Attorney General

Washn D.C

Surprised and gratified by
Your dispatch of today now
that funds are provided
& surveys will be made
am hopeful of good results.
Will strive for continuance
in all cases where there

READ THE NOTICE AT THE TOP.

☞ THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN

WHERE ANY REPLY SHOULD BE SENT.

Direct Wires.

97

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.

Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of **Unrepeated Messages.**

This message is an **UNREPEATED MESSAGE** and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated 187

Received at

To 2

is any prospect of success

L Lea

U S atty

48 collect GR

READ THE NOTICE AT THE TOP.

☞ THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN

WHERE ANY REPLY SHOULD BE SENT.

Direct Wires.

98

So. Dist. of Miss

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DEPARTMENT OF JUSTICE.

Received May 6. 1878.

Dated " 2 1878.

From J. L. Bradford.
Spl Asst U. S. Atty.

SUBJECT.

His resignation & rel.
to his acct for services
in preparation of log cases

ACTION.

Ans. May 6, 1878.
" " 21, 1878.

Gen

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DEPARTMENT OF JUSTICE
MAY 6 1878

44 Natchez St.
New Orleans La.
May 2nd 1878

Hon. Chas. Devens
Attorney General
Washington D.C.

Sir;

I have the honor to acknowledge the receipt of your letter of the 24th inst. notifying me of the approval, less the sum of $22.50, of my de=count for salary & expenses for the month of March.

In view of the remarks in my letter of the 8th inst. transmitting the account, & its reference to my report to you of March 20th explanatory of the nature of the business I have tried to make headway in, Your letter requires me to make the following statement.

If I appeared to seek the employment with which you honored me, it was at the earnest request of Hon. M. A. Carter, the Special Agent of the Interior Department in charge of timber seizures & suits in the Gulf States, who had encountered so many foes and obstacles, in Mississippi & Louisiana, that he deemed my

employment matter of necessity. At his urgent solicitation I left a profitable practice in this city & went to Washington to confer with his chiefs of the Interior Department. When I say I made no written application to them or sought influence of any kind or degree, you will the more readily perceive I was not an anxious petitioner for honors at your hands.

Having been from the commencement of proceedings in Louisiana & Mississippi a firm supporter of the government in what I thought its laudable efforts to protect the public lands from spoilation & was naturally led into an intimacy with some of the agents of the Interior Department here, & shared their confidence & when asked extended to them advice and counsel.

When they & their superiors and the government & policy they represented were unjustly and often outrageously assailed in the public press here I used my influence in their favor wrote articles in their defense, incurring hostility & criticism by their publication.

How else I aided and befriended them, without expectation promise or desire of reward, need not now be related. I leave it for them to state when called upon.

In more direct reference to your

remarks about my account I beg leave to re=
=mind you that as to their rendition & the items
justly chargeable therein you referred me for
information, upon my appointment, to Mr. Wing,
who gave me no written or printed memoranda,
but rather left everything so generally & I may
add so generously, to my own discretion and
judgment, that errors of detail cannot be re=
=garded as faults of mine. He certainly did
not tell me to send up copies of my dispatches
& I could not suppose it necessary as I never
saw Mr. Carter retain copies of his. However,
I have caused copies to be made of all dispatches
sent by me in March & also in February & for
which the government has been charged.
When I render my account for April I will
likewise send copies of dispatches for that
month.

You do not inform me what items of
my account were objectionable - stating only
their sum. I infer it is made up of those ex=
=plained in my letter transmitting the account,
with the addition of the item of $16.80 for lunches
in New Orleans. In this city among private
families & in boarding houses two meals are

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given only in the day, one early in the morning, the other late in the evening or at candle light. In hotel life the custom does not prevail. But I have lived at a boarding house, at rates far below hotel rates, & the expense of a meal or lunch during the day, which all professional men take and require, was a reasonable and just expense.

You remark upon this expense in this city suggests the necessity of an explanation why my presence here is essential to the perform=ance of the duty for which I was employed.

It would be hard to tell any one place where the duties I have tried to perform would require me to stay or be. Those duties were legal & extra legal, involving consultations with the Judge, Marshal, United States Attorney, Land officers, & the Commissioner of Swamp lands of the State of Mississippi; all at Jackson Miss. - & the examination and study of the Court records & the records of the United States & State land offices there, examination & study of the records in the hostile proceedings of Mississippi & Alabama lodged in the County Courts of Harrison & Jackson Counties on the sea coast of the first named State; examination of the records of the U. S. Land Office at Mobile

Alabama - & chiefly such personal investigation of the localities depredated upon & interviews with the men cutting, hauling, rafting the logs, mill men & all others connected with the supposed depredations, as would enable the government to arrive at the truth in each case.

In short, despairing of deriving from Congress funds to employ Surveyors & others through whom to obtain expert testimony it was expected of me to supply the want so far as possible by such means as I could invent. When you add to those labors the calls upon me of late to be present on behalf of the government to examine witnesses at Mobile & along the line of the rail road from here thence, & the necessity I am under of seeing & conferring often with Mr. Carter & of late with Mr. Adams, (Special Agent of the Treasury department sent here to investigate the log war & specially referred to me, among others, for assistance and counsel), you will, I hope, not only understand why I pass part of my time here, but that if I am allowed to be in any one place more than another that place should be here and no where else.

Nowhere else could I be so centrally situated as

to localities demanding my presence. All com=
=munication between Jackson Miss. & Mobile, or
between Jackson & places on the Rail Road this
side of Mobile, are necessarily through this place.
The mills, logs & lumber involved in the Pearl
River seizures can only be reached from this
City, & then one has to go most of the way in a
skiff - I need only add that the first duty
you required of me was to come to this city &
do what I might to harmonize the relation of
the Marshal to the Court here & your Department,
& to protect the proceeds of the sale of logs then
in the hands of the marshal against the supposed
danger, as stated by the United States Attorney
here, of being taken by the defendants or in=
=tervenors under bond.

But I trespass too much on your atten=
=tion. My relation to your department has
been such as to require of me duties of a peculiar
nature, in the effort to perform which I have en=
=countered the suspicions & criticisms of my own
people, the denunciations of many, have borne
personal exposure in open boats, camping out in
the woods, & taking such luck & accommodations
as might come to hand. My reports to you
show, in part, what I have undergone. I will
in due time make others reaching to this date.

In all this I have made outlays which might read strangely enough in the account of a mere attorney, but which a full knowledge of the facts & necessities under which they were made would amply justify. These you do not seem disposed to take into consideration. I submit. But I do not wish longer to maintain a relation which may breed repetitions either of the fault or the censure. Above all I do not wish to make it possible that similar defences will be expected of me. I will continue to do all things possible in the business in hand until you relieve me or, if you see fit, appoint some one else. But my desire is that you will as soon as may be accept the resignation now tendered.

Very Respectfully
Your obt. Servt.
J. L. Mahon
~~Special Asst. U. S. Atty.~~

Copies of Telegrams
sent by J. L. Bradford
on Government business
during February 1878

Copies of dispatches sent by J. L. Bradford, on Government business, during the month of February 1878.

Washington D.C. Feby 7th 1878

M. A. Carter
New Orleans La.

Commissioner thinks Hookers bill will fail in Senate. My appointment only awaits appropriation and may be made before if dangers increase. Will write

(Signed) J. L. Bradford

Jackson Miss. Feby 25th 1878

M. A. Carter
Pascagoula Miss.

Do you mean that property first seized by Marshal in any case is now seized by Sheriff, or only that property in cases affected by Dantzler decision is being released on bond to mill men. I go to New Orleans to night.

(Signed) J. L. Bradford

I can find no copy of the telegram sent by me to M. A. Carter from Atlanta Ga. on 18th February for which a charge of $1.10 has been made

L. C. Bradford

105

Copies of
Telegrams sent by
J. L. Bradford
on government
business during
the Month of March
1878—

Copies of Telegrams sent by J. L Bradford, Special U. S. Assistant Attorney, to varibus persons, on Government business, during the month of March 1878

New Orleans La. March 1st 1878

Hon Chas. Devens
Atty Genl. Washington D.C.

I respectfully ask leave to come to Washington on important business connected with Mississippi timber cases. See telegram this date Special Agent Carter to the Interior Department.

(Signed) J. L. Bradford
Special Counsel

New Orleans La. March 4th 1878

Clerk U. S. Court
Jackson Miss.

Yours of 27th February received with the orders. Thanks. Please copy and send to Attorney General instanter the petition and order referred to as not yet entered on minutes. and say I requested it.

(Signed) J. L. Bradford

New Orleans La. March 4th 1878

Hon. Chas. Devens
Atty. Genl. Washington D.C.

Yesterday I mailed my report called for by your dispatch of first inst. with papers. Have just seen principal deputy Marshal from Scranton who tells me all but one prominent Mill man has bonded and taken property - and bonding going on still

(Signed) J. L. Bradford

New Orleans La. March 6th 1878

Hon Chas. Devens
Atty. Genl. Washington D.C.

I wish to start this evening for Scranton. It is important to know if bill for Special term there will be approved and if so whether or not requirement as to ten days notice will render act inoperative. We could not on the merits, gain any cases, we think, at Scranton under this bill

Signed, J. L. Bradford

New Orleans La. March 7th 1878

Hon. Chas Devens
Atty. Genl. Washington D.C.

Carter and I think investigations

I start this evening to begin in sea coast counties of Mississippi will enable us to win some cases in May at Jackson, though surveys in others will be absolutely necessary.

(Signed) J. L. Bradford

New Orleans La. March 19th 1878

Hon Chas. Devens
Atty. Genl. Washington D.C.

Have just returned from twelve days tour of investigation and preparation in South Mississippi. Surveys of lands depre=dated seem all important. Have funds been or will they be appropriated for them.

In any event should I now go to Jackson to save time and incur expense of preparing maps and field notes to guide surveyors in field oper=ations when appropriation is made. Will report by mail to morrow.

(Signed) J. L. Bradford

New Orleans La. March 19th 1878

E. Shearman
Scranton Miss.

Carter at Calcasieu and not expected here for some days. Can't learn

about any appropriation. Better have carriage fully repaired at once.

(Signed) J. L. Bradford

New Orleans La. March 25th 1878

M. A. Carter
Lake Charles La.

House appropriation of twenty thousand passed by Senate with amendment allowing only five thousand for timber depredations; How much of this is for past how much for future expenditures can't say. Go to Vandebro, Scranton & such to morrow night to be gone about a week.

(Signed) J. L. Bradford

New Orleans La. March 25th 1878

Hon Carl Schurz
Secy. of Interior Washington D.C.

Mr. H. Ruty offers 30 cents each for all logs, estimated from four to six thousand, on and near Bayous Bonfouca and Lacomb in Saint Tammany Parish Louisiana, purchased by United States at Marshals sales in January last. Carter absent indefinitely

in Calcasieu trying to sell logs there, and Ruty must have reply at once. Logs are detoriating and wont sell at all after the wet Spring season. He will float and deliver logs at his mill on Bayou Lacomb at his own expense, let your agent count and then make payment. I advise the sale, don't know if Carter can do better and doubt it. Will close contract if you agree. Ruty asks reply as soon as possible.

(Signed) J. L. Bradford

New Orleans La. March 25th 1878

M. A. Carter
Lake Charles La.

Have just sent following to Secretary of Interior. "Mr. H. Ruty offers thirty cents each for all logs, estimated from four thousand to six thousand on and near Bayous Bonfouca and Lacomb in Saint Tammany Parish Louisiana purchased by United States at Marshal's Sales in January last. Carter absent indefinitely in Calcasieu trying to sell logs there, and Ruty must have reply at once. Logs are detoriating and wont sell at all after the wet Spring season. He will float and deliver logs at his mill on Bayou Lacomb, at his own

expense, let your agent count and then make payment. I advise the sale, don't know if Carter can do better and doubt it. Will close contract if you agree. Ruty asks reply soon as possible. J. L. Bradford."

What have you to say? Am I right?

(Signed) J. L. Bradford

New Orleans La. March 25th 78

Telegraph Operator
at Mississippi City Miss.

Please send messenger to A. E. King or J. J. Cowart, at Cowarts Store on Biloxi River, to meet me with horse and buggy at your station Tuesday night or early Wednesday morning. I will pay messenger. Will leave by evening train Tuesday

(Signed) J. L. Bradford

New Orleans La. March 25th 1878

M. A. Carter Esq.
Lake Charles La.

Your dispatch received. But none from Washington yet. Mr. Ruty will take, at a fair price, from three to four thousand logs

in Calcasieu from twenty eight feet up - among them some five or six hundred on Sabine. He asks if he can hire mills on Sabine and Calcasieu to saw the logs - Answer

(Signed) J. L. Bradford

So Dist. of Miss

1857

DEPARTMENT OF JUSTICE.

Received May 6 1878.

Dated " 2 1878.

From H. R. Hart.
Asst U. S. Atty.

SUBJECT.

Rel to his assisting
J. L. Bradford. Sp. Asst
U. S. Attorney. in timber
suits.

ACTION.

File

Read

110

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPT. OF JUSTICE MAY 6 1878

Jackson, May 2nd 1878.

Sir

In reply to your Telegramme of Yesterday to the District Attorney to know where I stood with Mr Bradford on the Court. I have the honor to say that immediately upon the receipt of your letter of July 26th in which you said that you desired I should devote myself with Mr Bradford in getting these Cases in better Condition, &c I sent a Copy of the same to Mr Bradford then on the Court. writing him at the same time "to wait on Telegraph me. and I would be with him at once at Scranton or otherwise as he might direct" to this Mr B. Replied that in the duties which he was then doing on the Court. he could not see that I could be of service, at the same time delegating some duties for me to attend to in the Land Office here, Connected with the same business. Again on the 9th of March I wrote Mr B.

111

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, ... 187

Saying in Reference to these Timber Suits. "If in any way I Can Serve you in these Timber Complications it will afford me much pleasure to do so" Judging from the language of your letter of the 26th inst. that it was not a direction to go upon the Coast but to place myself in Communication with Mr Bradford and devote myself with him in this behalf, as he might suggest, and as you will see he thought I could better serve him here than on the Coast.

I was somewhat over anxious to Contribute what I could in these Suits: but Cannot see how I could here make that activity more manifest than I have.

Hon Charles Devens
Atty. General
Washington. D.C.

Very Respectfully
Your obt Servt
H. R. Ware
Asst U.S. Atty

112

To Dist. of Miss.

283

DEPARTMENT OF JUSTICE.

Received May 6 1878.

Dated " 2 1878.

From L. Lea.
U. S. Attorney

SUBJECT.

Enclosing copy of letter addressed to J. L. Bradford Esq. Asst U. S. Atty. rel. to the timber suits.

ACTION.

To Matty May 6/78

113

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPARTMENT OF JUSTICE MAY 8 1878

Jackson, May 7. 1878.

Sir,

Keped by business & unable to write you at length I send you the inclosed Copy of a letter to Mr. Bradford, which, with my two Telegrams of this date, will give you a correct understanding of my views touching the Timber suits.

The agreement for a compromise between Mr. B. & the defendants in one of the Timber Cases, is subject to my approval, & requires the action of the Court thereon next Monday. I believe the agreement ought to be confirmed, & request that you send me a dispatch on receipt of this, authorizing me to have it carried out. I suggest also that you give me authority to sanction any other agreement for compromise that may be entered into by Mr. Bradford.

Very Respectfully
L. Lea, U.S. Atty.

The Attorney General,
Washington, D.C.

1141

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, April 20th 1878.

L. L. Bradford Esq.
Spl. Asst. U.S. Atty
New Orleans La.

I have received notice of taking of depositions in some of the Timber Cases. And others may be expected. If we are to make a show of intention to oppose the trial of any of these Cases and depositions are to be taken, some one representing the United States should be present and Cross Examine the Witnesses. In view of the near approach of the Court it will be impracticable for me to attend personally to this matter. & I do not think it expedient that Asst U.S. Ware should be sent off for that purpose. Upon you seems to devolve the task, & I must look to you to give it due attention.

But is it really necessary that the trouble and expense of taking depositions in these

Office of

Cases. shall be incurred I believe you
Concur with me, in the Opinion, that the
United States will not be in a Condition
to Litigate Successfully. any one of these
Finley Cases. at the Approaching Term of
Court. and that they never Can be prepared
Without the benefit of evidence, ~~[illegible]~~
only from Surveys of the Lands. on which
the depredations were Committed. What
then is Why. that the United States will
be Compelled to ask for a Continuance
or to take a Nonsuit. in every Case
Can be Reasonably expected that a Continu-
-ance will be granted &. A good Show-
-ing will have to be made: & how can it
be done. Who will swear on behalf of
the Plaintiffs that he expects they will be
able. to have the benefit of the wanting
evidence, at the next Term of the Court?
It is hardly possible that the swearing

Capacity of Roger Sherman Bulley
would be adequate to that oath. But
would his affidavit if made satisfy
the Court that this Congress at its present
Session will provide for the Surveys
required? It is my belief that all these
Cases in which you fail to effect a
Compromise will be dismissed at the
May Term at the Cost of the United States.
How for then is it Right and proper that
additional expense shall be suffered to
accumulate. As soon as you have secured
by Compromise, all that can be secured
in that way, which I think should be done
as speedily as possible, the prosecution of
further expense ought to be Regarded, as of
primary importance & to that end, it would
be good policy, in my Judgement, to anticipate
the action of the Court by dismissing from
- pretty all the Cases which it was found. And the

Not. be Compromised

Please let me Know what success you have met with, in your endeavors to effect Compromises. And how soon you will be able to finish your work, in that behalf.

Inquiries are made of me, as to when the Timber Cases will be for trial, It may be well to fix the time at once, & I suggest the 3d Monday of the Term. Will that day suit your Convenience. If not Name some day that will

Very Respectfully

(Signed) L Lea Pub. Atty.

118/

So Dist. of Miss

280

DEPARTMENT OF JUSTICE.

Received May 6 1878

Dated " 3 1878

From L. Lea.
U. S. Attorney.

SUBJECT.

Requesting to be relieved from duty examining accounts of M. Shal's Ass't.

ACTION.

Answd May 6/78

119

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPT. MAY 6 1878 JUSTICE

Jackson, May 3. 1878

Sir,

From personal considerations, I desire to be relieved from the duty of Examining the a/cs. of Marshal Hunt at the Term of Court to commence next Monday, & you will oblige me greatly by sending me a dispatch immediately on receipt of this, authorizing me to devolve that duty on Asst. Atty. Ware. It can doubtless be more satisfactorily performed by him than by me, & possibly with more benefit to the Government.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington
D. C.

120

Ss Dist. of Miss

285

DEPARTMENT OF JUSTICE.

Received May 6 1878.

Dated " 3 1878.

From L. L. Lea.

U. S. Attorney.

SUBJECT.

Enclosing copy of letter from J. B. Bradford. Ass't U. S. Atty relative to the dismissal of certain timber suits.

ACTION.

Answd May 6/78

Gen'l

12

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, May 3. 1878.

Sir.

Since writing to you yesterday I have received from Mr. Bradford a letter, of which I transmit herewith a copy, from which you will see he agrees with me in the opinion that it would be expedient to dismiss at once all the Timber Suits Except the one in which he has effected a Compromise. There are good reasons why this should be done now rather than after the opening of the Court. There are dangerous motions pending in a considerable number of the cases, which will doubtless be pressed if the defendants & their attorneys are induced to come here under a belief that it is necessary for them to attend the Court. But if notified before leaving home, that the suits has been dismissed, they would probably be content to remain at home & not come here to press their motions. If free to act on my own judgment as to what ~~is~~ best for the government, the mar-

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Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, ... 187

Shal't W. Bartley, I would immediately give notice to all concerned that the cases will all be dismissed on the first day of the Court.

Very respectfully,

L. Lea,

U.S. Atty.

The Attorney General,

Washington,

D. C.

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Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

Jackson, May 3d 1878

44. Natchez St
New Orleans La
May 1st 1878.

Lucke Lea Esq
U.S. District Attorney
Jackson Miss-

Dear Sir

I returned from Scranton Yesterday, where I went to represent the United States in the examination of witnesses in the case of Walter Denny & Co. & found your two letters awaiting me of date April 20th & 27th The former had been sent me, or rather was sent to my house last night from the Office of Mr Lacy the U.S. Attorney here and where doubtless it had been detained. In reply to it I have to say I think as you do about the embarrassments in the way of the timber Suits and the policy of anticipating their fate at the hands of the Court or the Jury by timely dismissals.

124/ This is a subject which has given me no

little Concern. Lately I have written you in a number of Cases Sending proofs in the Nature of affidavits of the Defendants or their Neighbors, or both, & Recommending dismissals in such cases. I was loath to believe we might not finally hit upon some plan by which to save the Cases even if by a Compromise of the Questions involved in these; and hence would not Contemplate dismissals without abundant Cause.

And in the large Suit against George Reeves Et al. I have made such Compromise and it is now disposed of as you have been particularly informed, for pursuance of our Joint Views of necessity and expediency. I made such advances favoring Compromise of the Suits involving Seizures of Logs or Lumber at Mobile Point as Self Respect and Prudence allowed. But

135 the Attorney for the Defendants in these Cases

Seemed. indisposed to meet me half
way. on that ground. and hence. I made
no. further effort. and shall. make. none
If you have. Concluded to dismiss. the
Cases. I have lately written you. about. the
following. Tabular Statement will exhibit.
the Remaining Suits in which there is
any property. Held in the possession of the
Marshall. or Released on. bond. (Here follows
a tabular list of Suits etc)

I Compile this Statement from my. Papers
and Memoranda. and think it is substan-
tially Correct. As. to the Harrison County
Suits. alone, all Logs in them. One from
Red. Creek. and it tributaries. and My exam
-inations on. that. Creek. & Black. Creek
led me. to expect. easier Victories for the
Government there. than anywhere else

And as. to any of the Suits in Jackson Co.
involving timber & logs. which. Come down

the Bay River, or Big Creek from the State of Allabama. I see no earthly hope of proving anything favorable to the Government. I went to Mobile and carefully examined the Maps & Records of the United States Land Office there to ascertain the Ratio between the lands of the United States and others within hauling distance of all Streams down which logs might be floated from Allabama into Mississippi And the Result was I found the Government owned so very little land, that it is hardly fair to suppose that one log in fifty has come from it lands. Upon the whole I see nothing to do but dismiss all the Cases, though it may be possible in the Harrison County Cases to Compromise after Court meets for as to them we could prove Something if we had funds to make Surveys. But them we will never have. As to all the Cases.

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except the Jackson County Cases as above Descri-
-bed. I agree with you as to fixing them for
trial on the 3d Monday of the Term. But
as to the Jackson County Cases I agreed with
Major Price while at Scranton in harmony
with your dispatch to him that we would
fix them as late in the Term as Convenient
giving him at least Ten days notice of the very
day. I will come to Jackson by Sunday
night Train. So as to be present when Court
opens. I will state that I am sending in my
Resignation as your Assistant in these
Timber Cases but will Continue to do all
I Can until I receive notice of the accep-
-tance of my Resignation which may not be
until about May the 12th As to noming
to you Witnesses in any of these Cases
to be Summoned on part of the United
States. I have (I think in full harmony with
your own views) thought it would be Intersecting

the Government to a very great expense. and are to but little purpose. Why it would be to little purpose. Can best be explained by the exchange of Opinions had and to be had between us.

I would suggest that in Recent or future dismissals You notify the Defendants by Mail, as they live otherwise Short to Jackson on the 6th inst. Not being Certain that their Cases have been disposed of.

Very Respectfully
J. L. Bradford
Special Asst U.S. Attorney

(Signed)

To Dist. of Miss

287

DEPARTMENT OF JUSTICE.

Received May 7 1878.

Dated May 4 1878.

From Thos W. Hough
U. S. Marshal

SUBJECT.

Rel to the case of U.S. vs Bercier & Desmet.

ACTION.

Ans. & to U.S. Atty. May 9/78.

130

Jackson Miss
4th May 78

DEPARTMENT OF JUSTICE
MAY 7 1878

Hon. Chas Devens
Atty Gen'l U.S. D.C.

I have the honor herewith to forward for consideration a Rule Nisi in Case No 2525 - & in various other Cases.

This matter is still pending & I respectfully submit it for the Reasons shewing what prosecutions the Cost Bill will create if this is allowed; & to ask that you give special instructions to the District Atty in this matter - From a conversation had with him some time ago I infer that he does not feel it his duty officially to represent the Marshal in sustaining Costs &

I would be pleased to hear the Atty Gen'l give specific instructions, & to inform me if I am to look for other Counsel or not.

Among other things I request that my Deputy Dr Gainey be subpoened as a Witness for the Govmt in this matter - as he will be able to shew that the loss of the Books &

by direction & consent of the Justices of the Peace
such charges will not be allowed on the
settlement. Nor can I give this
ability as it could be construed by
this person - & as it may be injurious to
their Journal & Entries to be at
home while engaged at their
business - If this is all the Laws provide
& the County is out of debt - but I
think can be remedied in the Courts -

Very respectfully
Yr. obt. Servt
Thos. W. Wheat
A. S. Randall

In the Circuit Court of the US
For the Southern Dist. Mississippi

United States
2525 vs
Bircier & Desmet

And now comes the Defendant by their attorney and moves the Court for a rule Nisi directed to the Marshal of said District requiring him at an early day named to show cause if any he have why the reasonable value to-wit twenty dollars per day should not be allowed defendants for the use and occupation of their Booms and Mill Yards and Lumber Yards as places of safe keeping for the said property Seized under said writ, from the date of Seizure until the release of the property or so long as said Marshal shall so use said property of Defendants and that said allowance be taxed as costs in this case.

Thos H Price
Atty for Defts-

Filed & entered Feby 11th 1878-

A true copy from the motion Docket.
attest Jas McKee D.C.

Same motion in the following cases Numbered to-wit:
2530: 2533: 2535: 2537: 2543
2548: 2547: 2550: 2529: & 4
2567: 2568: 2571: 2555: 88 in Dist Court

So Dist. of Miss

1878

DEPARTMENT OF JUSTICE.

Received May 7. 1878.

Dated " 6. 1878.

From James M. McKee.

SUBJECT.

Telegram rel to fixing penalty on his bond as Clerk U. S. Circuit Court.

ACTION.

Read May 7/78

134

Blank No. 1. 237 45 8PM

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.

Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of unrepeated messages.

This message is an UNREPEATED MESSAGE, and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't

Dated Jacksonville May 8 187 8

Received at 456

To Hon Chas Devens

Atty Genl U S

I have been appointed
Clerk U S Circuit
Court for this District
Please file penalty of
my bond

James M McKee

Chas Devens

READ THE NOTICE AT THE TOP.

☞ THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN

WHERE ANY REPLY SHOULD BE SENT.

Direct Wires.

135

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

291

Received May 10. 1878

Dated May 6. 1878.

From L. S. Lea.
U. S. Attorney.

SUBJECT.

Transmits copy of agreement for compromise in certain cases.

ACTION.

Ans. May 10, 1878.

134

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPARTMENT OF JUSTICE 1878

Jackson, May 6 1878

Sir,

In compliance with the request contained in your dispatch of this date, I transmit herewith a copy of Agreement for compromise to which you refer. The reasons which lead W. Bradford to Enter into this agreement & most sanction it, may be inferred from his Communications heretofore sent to you. Of course the agreement will not be confirmed as it does not meet your approval.

Very respectfully,
L. Lea
U.S. Atty.

The Attorney General,
Washington,
D. C.

137

State of Mississippi }
Harrison County } Be it known:
That on this 25th day of April A.D. 1878
the following articles of mutual compromise &
adjustment have been entered into by & between
James L. Bradford, Special counsel for the United
States, for & on account of the part of the said United
States, Parties of the First Part: And the defend-
-ants in the following entitled & numbered suit.
Parties of the Second Part: To wit.

The United States

vs.

George Reeves, J. P. Rouse, Joshua Jacobs, George
Walker, E. Patton & S. Jacobs: said suit now
pending in the Circuit Court of the United
States for the 5th Circuit, Southern District of
Mississippi:

1st It is agreed by the United States, Parties of the
First Part, in order fully & forever settle & equi-
-table all matters, claims & questions, of what
nature soever, growing out of the seizure, or
detention, of any logs, lumber or other prop-
-erty in the said suit, that the same shall be
dismissed on the first day of the May Term of
said Circuit Court, to wit, on the 6th day of
May next, at Jackson, in said State of Mis-
-sissippi: on which day the Counsel for
the United States will move, in open Court,

to that effects. Said dismissal shall be at the
Cost of the United States:

2nd It is agreed on the part of all of said defend-
ants, each & every of them, to wit: George
Rowe, Joseph P. Rowe, Joshua Jacobs, George
Walker, Ephraim Patton, & Hadrick Jacobs,
Parties of the Second Part, that when the
said suit is dismissed as agreed by the Parties
of the First Part, said dismissal shall have
become effective & binding by the order of
said Court, & the same shall have been entered
of record, upon the terms as to costs agreed,
then the said defendants shall then & there,
in Calif., pay into Court, subject to the
order thereof, the sum of Seven Hundred
& fifty dollars ($750.00 Dols)

It is further agreed by the parties of the
First Part & the Parties of the Second Part,
that this Compromise & agreement shall not
be binding on either side until signed
by Luke Lea, Esquire, District Attorney for the
United States, for the Southern District of Mississippi,
& shall have filed in said Circuit Court. And
when ~~shall have~~ so filed, & duly followed by
final dismissal of said ~~Cause~~ suit, all of the
property in said suit seized & in the posses-
sion of the United States, & the United States
Marshal, shall at once be released free

issue Capt or Charge. And if to any prop-
-erly released on bond, the same shall
remain so released & the bond given
for the forthcoming of said prisoner shall
thenceforth be held as cancelled & void.

attest: (signed) J. L. Bradford
(signed) J. J. Conaut Special Comm'l U. S.

(signed) George Reeves
" J. P. Rowe
" Joshua Jacobs
" George Walker
" Ephraim Patton
" Hudrach Jacobs

State of Mississippi }
Harrison County } Personally appeared before
me the undersigned Justice of the Peace in
& for the County & State aforesaid, George Reeves, J.
P. Rowe, Joshua Jacobs, George Walker, Ephe-
-raim Patton & Shadrach Jacobs. who ac-
-knowledged that they signed the foregoing agree
-ment for the purposes therein mentioned set
forth.

Given under my hand & seal this
25th day of April A.D. 1878

W. P. Evans jr. [Seal]
Justice of the Peace.

The State of Mississippi }
Harrison County } S.S.

I. F. L. Hemes, Clerk of the Chancery Court of said County & State, do hereby Certify that H. P. Evans, Jr. whose genuine signature appears to the annexed foregoing Certificate is now, was at the time of signing the same, a Justice of the Peace in and for the said County, duly elected & qualified according to law, and that full faith and credit are due to all his official acts as such.

Witness my hand & official seal of office, at Mississippi City, this the 26th day of April A.D. 1878

(Signed) F. L. Hemes Clerk.

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received May 13. 1878.

Dated " 9. 1878.

From F. Sessions

SUBJECT.

Requesting dismissal of case against him as surety on bond of H. Blackman late P. M. Brookhaven Miss.

ACTION.

Is Sol. Treasy May 13, 1878.

134

So Dist. of Miss

298

DEPARTMENT OF JUSTICE.

Received May 15. 1878.

Dated 12. 1878.

From L. Lea.

U. S. Attorney.

SUBJECT.

Acknowledging receipt of letter of 9th inst. rel. to the granting of certain motions

ACTION.

File

140

Office of

UNITED STATES ATTORNEY,

FOR

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPARTMENT OF JUSTICE MAY 13 1878

Jackson, Miss., May 12. 1878.

Sir,

In answer to your letter of the 9th inst. just received, I have the honor to state, that it has been my intention from the first to resist the granting of the motions to which you refer. Though well satisfied myself that they ought not to be granted, I had no assurance that they might not be favorably considered by the Court, & have therefore felt that they were of grave importance. Inasmuch, however, as all the cases were disposed of yesterday by being dismissed or continued, none of the motions were pressed, it is to be hoped that the counsel for the defendants have concluded to abandon them.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

141

So Dist. of Miss

DEPARTMENT OF JUSTICE.

No

Received May 20. 1878.

Dated May 17. 1878.

From H. R. Ware Dist U. S. Atty.
C. C. Baldwin Sp. U. S. Atty.

SUBJECT.

Rel to enclosed offer of compromise in case of U S vs F S. Hunt et al.

ACTION.

Referred to Col. of Treasy May 20/78.

142

To Dist. of Miss

DEPARTMENT OF JUSTICE.

Received May 21 1875.

Dated " 18 1875.

From H. R. Ware.
Asst U. S. Atty.

SUBJECT.

Rel to the case of U. S. vs F. S. Hunt et al.

ACTION.

Respectfully
Jackson May 22/75

143

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received May 24, 1878.

Dated " 20, 1878.

From S. S. Bradford
Sp Asst U S Attorney.

SUBJECT.

Report rel. to seizure of Logs, &c

ACTION.

Filed

CONN. VALLEY
ABSTRACT LEGAL CAP.
No 18.

DEPARTMENT OF JUSTICE
MAY 24 1878

411 Natchez
New Orleans La.
May 20th 1878

Hon. Chas. Devens
Attorney General
Washington D.C.

Sir;

My last report to you of March 20th 1878 brought my operations up to that date.

On 26th March I left this place & went by rail to Mississippi City where I was met late at night by a guide with a vehicle who took me out northward about 8 miles, passing thro' the town of Handsboro to a place called Stonewall on the Big Biloxi River, where are situated several mills & stores, some distances apart where principally in times past large milling operations have been carried on.

J. J. Cowart owns the principal mill & store here. I spent the 27th & 28th in this neighborhood, devoting every effort to the ascertainment of the facts attending the seizures made in this vicinity, & took a good deal of testimony as to the lands upon which the timber had been cut, the date of cutting & the persons engaged in it & in hauling & rafting. It was in the main unfavorable to the government, & it was corroborated by my own examinations, the character of the witnesses & many other circumstances far too numerous to be mentioned. I had with me the township maps heretofore alluded to, exhibiting the public

& private lands, on all the streams upon which all the timber in question had been cut. I was impressed with the justice & expediency of dismissing some of the suits, took ample proof by affidavits in such, sent it with a report in each case, to the District Attorney at Jackson, advising dismissals. In these he concured & the dismissals were subsequently made. I will refer to these cases again in connection with others we have seen fit to dismiss, & also state some of the embarrass=ments with which my investigations showed such cases to be surrounded.

On the 29th I went by row-boat, with a guide, to the town of Biloxi on the rail road and there took the train for Scranton, which is the same as East Pascagoula, on the New Orleans & Mobile Rail Road. On the 30th, about 11 O'clock, I was enabled to start up the Pasca=goula River, having procured an open skiff with two oarsmen & my guide. Bad weather had set in & we set out in the rain, getting wet ourselves, but managing to keep our pro=visions & bedding dry. I stopped at the store at the landing at Ingalls Point for infor=mation, & succeeded in going about 15 miles up the current, which became swifter as we ascen=ded, where we encamped in the midst of the deep swamp. Next day we continued to toil against the current & succeeded in going about 25 miles, again encamping in the swamp and passing the night in the rain, taking our boat

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No 18.

on the bank, turning it bottom upwards & finding some shelter under it. Next day we made 15 or 20 miles up a violent current & succeeded in reaching the important point called "Dead Lake". This is where the Red & Black Creeks, joining each other about six miles from the river, form a large stream, across which near its junction with the Pascagoula, a large & powerful "boom" has been kept up for many years by the various persons engaged in logging on either of said creeks or their tributaries. It is called "Dead Lake" because for some distance above the boom the current is very slow, & as the stream thus formed is about 300 ft. wide it affords an exceptionally good place for accumulating sorting and dividing the logs. The mode is for the various persons to put their logs in where they may in due time the high water will float them down & lodge them against the boom. The number which will reach the boom, out of a certain number put in above, is, in a large measure, regulated by the labor, vigilance & care of those having them in charge. At the boom at the proper season the parties, with their laborers, assemble & then each one gathers all the logs of his brand or brands into one lot, forms them into rafts or "cribs" & putting men upon them sends them down the swift current to the mills where he expects to find purchasers.

I found about 15,000 logs then at the boom filling the river for a half mile up so one could walk with ease over the whole space.
As Red & Black creeks were then high the log men above busy hurrying their logs down I found that the number was augumenting daily & I learned it was thought there would be about 25,000 logs at the boom before the rise subsided. All that were then coming down were from Black Creek, & all were then under seizure by State process in the proce=
=dings I have heretofore referred to in other reports. Upon starting from Scranton I had intended to go up Black Creek then up Red Creek, but found it utterly impossible to get around the "jam" of logs I have de=
=scribed. Encamped at this place and gained much information from the log men also encamped there, but it was not gratifying. On the 2nd of April I made my way on foot up Red Creek to a point 4 or 5 miles above its junction with Black Creek where there was a boom across the first named creek against which there was about 20,000 logs. I was told by the State Keepers there. These logs are all under seizure by the State & completely "jam" the Creek for a distance of several miles. I succeeded in getting but little information here favorable to the United States.
As it was impossible to get up with my boat any higher in either stream, and not

CONN. VALLEY ABSTRACT LEGAL CAP. No 18.

being able to procure any vehicle whatever or anything to ride I had nothing to do but return to Reid Lake, getting there in time to start back to Scranton. That night, by floating down stream into the night some hours, we made some 20 miles. Next day I succeeded in getting to Scranton in time to take the evening train for New Orleans arriving there late at night.

On the 8th April I went to Jackson Miss. to consult the District Attorney there & examine the records of the United States State Land Offices there, & on the 10th returned from New Orleans, & from there went on the 11th to Mobile to examine the land office records in that place. May the way open to a compromise as to all timber seized in Mississippi & which came down Dog River & Big Creek from the State of Alabama. I spent the 17th & 18th on that business. I made a careful examination of the records in the U. S. Land Office there & found that about 90 per centum of all land within the usual hauling distance of a mile & a half from all the streams leading from Alabama into Mississippi & down which it was possible to float timber to the localities where it was seized, had been disposed of by the United States. Probably 80 per centum of such alienations had been made 20 years ago. With these facts patent before me,

& the further fact, almost as plain, that in any given case of seizure it was more than probable the logs involved had been cut more than a year before the seizure, (which would be fatal under the Mississippi replevin law), I saw nothing to do but to compromise, & if that could not be done to dismiss.

But the attorney for the defendants interested, residing at Mobile, knowing his advantage & desirous of using it, had no compromise to propose and actually stood indifferent as to dismissals.

On the 19th April, at 3 A.M. I left for New Orleans. On the 23d I again started to Stonewall, in Harrison County Miss. via Mississippi City & Handsboro, but owing to a severe storm did not get there till the morning of the 24th. I spent that day & the 25th there & at Handsboro, con=cluding the investigations begun on the 21st March, & returned to New Orleans the night of the 25th. The conclusions arrived at, as to the seizures in the Biloxi waters were unfavorable to the Government.

In nearly every suit all the lumber sawed but the mills was seized, tho much of it had been on hand a year & some of it longer, & of course the logs from which it had been manufactured had been cut at least a year before the sawing. Under the Mississippi law of replevin, under which these seizures

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were made it must be made to appear affirm=
=atively on the part of the Government that
not only was the timber cut from the public
lands of the United States, but that the
cutting antedates the seizure not more than
twelve months. To condemn any particular
pile of lumber therefore we must show these
facts as to the logs from which it was
sawed. And this of course involves the
task of identifying the very logs which,
months before, had been used to produce
the pile of lumber in question. It is
not thought that the mill owners and all
their hands could do this ten days after
the transition from logs to lumber. Every mill
has its own "boom" or lake or other safe
harbor of still water into which the rafts
of logs, after purchase, are towed, the
ropes & timbers holding them together usually
being cut & the logs confused with others &
taken to the saw without reference to any
other consideration than their fitness to
make the particular "bill" of lumber then
being manufactured. After this statement
the folly of seizing any sawed lumber at all
will be apparent, unless in the case of a
mill situated in the midst of the public
land where no question could be raised
as to the status of the logs customarily used
at or about the time the particular lot
of lumber had been sawed.

From this you will readily perceive

That justice, no less than policy, required that all suits should be dismissed at once as to any sawed lumber seized therein. And as in some of the suits this would leave the value of the logs remaining under seizure less than the jurisdictionable sum necessary in the United States Circuit Courts, the further necessity then arose for the dismissal of the whole action.

On April 28th I went to Scranton on notice to cross examine witnesses whose depositions were to be taken there in the suit against Walter Denny & Co.

The 29th was spent in that business, Majr. Thomas H. Price of Mobile, counsel for the defendants in many of the timber suits being present, with Mr. Denny & a large number of witnesses. The testimony was reduced to writing to be used on the trial.

It left the government nothing to stand on so far as it went, there being about forty more witnesses whose examination was postponed to the time of trial.

The witnesses were those who had sold to Denny & Co. part of the logs seized, & they swore fully & pointedly as to the lands from which they were cut, the date of cutting, Exhibiting titles to the lands. My Cross-Examination showed they had in every instance sold with a guaranty & would be compelled to restore the price if the

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suit went against the defendants, thus making them substantially parties in interest.

I found to my surprise that Denny & Co., (& I was informed all other mill owners had for years done the same), had customarily required of parties bringing down logs for sale to make oath satisfactorily showing when & where the same were cut & that they owned the land or had cut with the authority of those who did. In addition to this exhibition of title had been required, or the certificate of the County Clerk of the County whence the logs came, testifying satisfactorily as to title &c.

Mr. Denny exhibited a large bundle of such proofs & stated he would rely on them at the trial.

There were two witnesses to be examined on deposition in another case, at Mobile, a few days later, but I thought it unnecessary to subject the Government to the expense of going there to cross examine them, & made arrangements with another attorney to be present & put the questions I deemed necessary. And this was duly done.

On the morning of the 30th April I therefore returned to New Orleans - & on the night of the 5th of May started to Jackson Miss. to attend the May Term of the U. S. Circuit Court there at which term all the timber suits stood for trial.

On the first day of the term the compromise

agreed upon in the suit against George Reeves et als. was to have been consumated & the representative of the defendants was ready with his money to pay into court and anxious to return to his home & business.

Judge Lea, however, whose formal approval was necessary, thought proper to telegraph you for authority, & you in reply called for a copy of the act of compromise & before receipt of it telegraphed us to suspend action in all cases until an agent from the Interior Department should arrive.

The history of the Reeves case is briefly this. The suit was brought against Geo. Reeves J. P. Rouse, Joshua Jacobs, George Walker, R. H. Cowart, D. J. Reed, E. Patton, Willis Stafford & S. Jacobs. The number of logs nominally inventoried is 29,298, & at the time of seizure they were scattered about for miles up & down Little & Big Biloxi rivers & their tributaries on the banks, at the mills, in drifts, booms &c. &c. - When the Marshal & his men took nominal possession the former possessor ceased to control or care for the logs, & the freshets that occurred soon after played havoc, scattering thousands of the logs about through the woods & swamps, lodging them high & dry on the banks in great piles, & sweeping numbers of them down into tide water & lodging them in the immense open marshes near the Gulf. Many of the mill men, seeing what kind

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of care of the property. The Marshal's men displayed a perceiving that even if they won the suit there would be little left for them, from time to time exerted themselves, with large numbers of laborers, to recover some of the logs & to guard the booms & prevent further loss. The inventory professes to have been taken in February 1878 - but it is a myth. Many of the logs whose brands are described were cut & put in the rivers several years ago - some other brands no one ever heard of in that part of the country, and finally the document, a copy of which is before me, describes 7,886 logs as having no brands visible - as to these the inventory says "The logs inventoried with no brands are lying in such condition in jams on the banks of said streams as to render it impossible to ascertain." Since the inventory was taken the evil has grown worse, & it is within limits to say that when I investigated the subject in March at least 12,000 of the logs had been (virtually) lost to the whole world. Successive floods had broken "booms", scattered the logs in every direction through deep swamp & jungles, vines & briars, piled them three & four deep on the banks too far from the water to be easily gotten in again, & had carried others again down into the bays & sea marshes below, where they are not worth the expense of

recovery. I rode for miles along the swamps of the Big Biloxi, leaving my horse at points where I could penetrate the jungle on foot, & I found thousands of the logs in such places & positions that no one would take them as a gift under the obligation of putting them in the stream & getting them to the mills. As I have said, my maps indicated but little government land but the streams whence the bulk of this timber came. And, taking the logs claimed by some of the defendants viz: D. H. Cowart, D. J. Reed & Willis Stafford, I took ample testimony, corroborated by my own examinations & enquiries, showing the Government had nothing to gain as to them, & I consequently recommended dis= =missals as to them, which were afterwards allowed by the District Attorney. My letter to him in each case, accompanied by full proof, was filed in the Court at Jackson.

On my last visit to Stonewall I be= =came convinced that even if we had funds & time to make surveys we could hope for but little in this case. I found out that only about 4,000 of the logs had been originally taken from the public land so far as my means of knowing any= =thing without surveys went. Of this number about 4,500 had been lost as I have stated. But the lands were in each case covered by bona fide homestead entries

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& the cutters had been & were at the time living upon & improving the lands.
In the case of E. Patton he had cut, as he & others were, in order to have the logs sawed into lumber to build houses & fences on his homestead - He proved such a contract with the mill owner. Hence there were about 2,500 logs still available, of the number admitted to have been cut from homesteads. Knowing the rulings of the Judge in cases like this & doubting if a Mississippi jury would go against their people under such circumstances, & above all seeing we could not try the case at the May term. I was willing to compromise on the best terms I could get - But the embarrassments of our position were so evident to the mill men that the only incentive they had for compromising was to avoid the necessity of going so far to trial, taking witnesses, paying Attorneys fees &c. - They agreed to pay $750, which was an estimate of, 30 cents a log on the 2,500 homestead logs, tho' not so stated in the act of compromise - The act was also a release of all claims against the United States or its officers for damages &c. growing out of the seizure or in any way con=nected with it. And this may turn out to be no small advantage -
On the arrival of Mr. U. J. Baxter, on

the 10th inst, he being the gentleman from the Interior Department whose arrival we awaited, he felt unwilling himself to advise the completion of the compromise. On Tuesday, the 2nd day of the term, the docket had been called and we were under the necessity of fixing all cases for trial during the term not heretofore dismissed. As it was idle to fix any for trial we obtained leave of the Court, with some difficulty, to give us till the following Saturday at 10 o'clock at which time we were required to fix for trial or submit & argue a motion for continuances in all the cases to the November term. I prepared as strong a statement of facts in support of such a motion as I could truthfully do, Judge Leaf & I having but little hope of success. To strengthen our position we, with Mr. Baxter, selected a considerable number of suits for dismissal, such as those in which no property had been found or seized; others in which no defendants had been found in the district; others still where the value in dispute was under the jurisdictional amount; & still others in which the States of Mississippi & Alabama had made prior seizures. After disencumbering the records of such cases we had sixteen principal suits left in which we thought the stakes worth contending for. Before arguing the motion for their continuance we dismissed all the others. Thus showing to the Court & Country our desire to be just. And we had the gratification of seeing

Conn. Valley
Abstract Legal Cap.
No 18.

perceiving in a judgment for continuances
concurred in by both judges. The fruit of our
policy & arguments.

I am very glad so able and experienced
an officer as Mr. Baxter, the present Chief
Clerk of the General Land Office, should have
appeared on the ground at the time and
place he did.

In the prosecution of these suits I have
had in view practical results and have
concerned myself more with practical
methods of reaching them than with
vain regrets about dismissing or com=
promising particular cases or the occa=
sion for rejoicing among the opponents
of the Government, such action might
afford. If the action of
Judge Lea & myself, in pursuance of
such a policy, does not meet the approval
your letters have taught us to expect
from you I can only attribute the fail=
ure to the difficulty, perhaps the im=
possibility, of our presenting to you,
at a distance from the theatre of litiga=
tion, all the grounds for action in any
given case which come under our obser=
vation who are present on the ground
investigating, learning the character of
parties and witnesses, balancing facts,
weighing circumstances & slowly evicer=
ating the truth. And as the truth comes
to light we will act upon it and so

far as possible lay it all before you. Though you will readily perceive that in such business there must be much to influence us which should have consideration and yet which it may not be easy to put you in full possession of. Hence I am glad Mr. Baxter has been sent to Jackson.

I urged him to extend his visit to this place, to fully consult my maps and papers, to confer with Mr. Carter and others, and then to visit the localities of chief importance on the sea coast in Mississippi, promising to accompany him there and aid him with such knowledge and experience as I possess.

Should he do so I believe that on his return to Washington and personal conference with you the action of Judge Lea and myself in many things will appear in a different light from that in which they are now viewed.

After I shall have seen him I will submit to you for instructions some plans for criminal proceedings and civil suits for damages in case further efforts are to be made for the protection of the public timber in Mississippi. I have the honor to be

Very Respectfully

J. L. Bradford

Special Asst Counsel So. Dist. Miss

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received May 27, 1878

Dated " 24, 1878

From J. L. Bradford.

SUBJECT.

Acknowledging receipt of letter accepting his resignation as Sp. Asst U. S. Attorney.

ACTION.

Mrs Beaumont

Filed May 28, 1878.

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DEPARTMENT
MAY
27
1878
JUSTICE

44 Natchez St.
New Orleans La.
May 24th 1878

Hon. Chas. Devens
Attorney General
Washington D.C.

Sir; I have the honor to acknowledge the receipt this day of your letter of the 21st inst. notifying me of the acceptance of my resignation as Assistant Counsel for the Government in the timber suits pending in Mississippi. I will submit to you in a few days my account for salary & expenses to date

Very Respectfully
Your obt. Servt.
J. L. Mayford

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So. Dist. of Miss

DEPARTMENT OF JUSTICE.

Received May 20, 1878

Dated " 20, 1878.

From Thomas H. Hunt.
U. S. Marshal.

SUBJECT.

Telegram rel. to expenses in log cases.

ACTION.

File

Gen'l

154

Blank No. 1. 284 7.02p

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.
Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated messages.
This message is an UNREPEATED MESSAGE and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Sec'y. 18 No WILLIAM ORTON, Pres't.

Dated Jackson Miss May 18 1875

Received at Cor. 15th and "F" Streets, Washington, D. C.

To Hon Chas Devens

Atty Genl U.S.
Washn D.C

I hold in two cases against Henry Brennan five hundred and seventy four logs and sixty six stacks square timber with one keeper at one dollar & fifty cents per day

Brennan is enquiring as to bonding & my instructions are to vacilate his bonding hold

1555

READ THE NOTICE AT THE TOP.

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.
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This message is an **UNREPEATED MESSAGE** and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated 187

Received at Cor. 15th and "F" Streets, Washington, D. C.

To 2

READ THE NOTICE AT THE TOP.

in case against John Thomas
Eight Thousand Logs with expense
of one deputy at two
dollars a day — in case
against J A O'Neil twenty
five hundred Logs with one
Keeper at one dollar & fifty
cents per day in case Russell
found Two Thousand Logs with
one Keeper at one dollar
& fifty cents per day total
cost of Keepage in

19 1561

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

Dated 187

Received at Cor. 15th and "F" Streets, Washington, D. C.

To V[illegible]

READ THE NOTICE AT THE TOP.

all cases now being
six dollars and fifty cents
per day The last three
defendants do not seem inclined
to bond Though we offer
every facility all other cases
have been bonded or dismissed

Thos W Hunt
U.S. Marshal
167 Collect GR 167 a BX

So. Dist. of Miss

DEPARTMENT OF JUSTICE.

Received June 3, 1878.

Dated May 30, 1878.

From Thos W. Blount
U. S. Marshal.

SUBJECT.

Requesting leave of absence.

ACTION.

Ans. June 3, 1878

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Jackson Miss
Office U.S. Marshal
30th June 1878

DEPARTMENT OF JUSTICE JUN 1878

Hon Chas Devens
Atty Genl U.S.

Sir -

I have the honor to ask leave of absence from this District during the month of July next -

The business of the Office is well up - & as the time of sessions is during the dullest season of the year, I respectfully ask to be permitted to absent myself at the time indicated, with a view of visiting the Court of Journal.- I should be pleased to learn whether it is likely that the Attorney Genl will be in Washington during that month, as an object I have is to see him personally.-

Very Respectfully
Thos. W. Hunt
U.S. Marshal

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So Dist. of Miss

398 DEPARTMENT OF JUSTICE.

Received June 6, 1878.

Dated " 3, 1878.

From L. Lea.

U. S. Attorney.

SUBJECT.

Requesting leave of absence.

ACTION.

Ans

Jit

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Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPARTMENT OF JUSTICE
JUN 6 1878

Jackson, June 3. 1878.

Sir,

Advised that my health requires me to go North this summer & desiring to visit a daughter in New Hampshire, whom I have not seen since the death of her husband the late Prof. J. P. Blanchard, I have the honor to request leave of absence for say sixty days.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

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So Dist. of Ills

DEPARTMENT OF JUSTICE.

Received June 10, 1878

Dated 5, 1878

From L. L. Lea.
U. S. Attorney.

SUBJECT.

Acknowledging receipt of letter of 16th ult. rel. to case against Allen &c

ACTION.

File

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Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI,

DEPARTMENT OF JUSTICE JUN 10 1878

Jackson, June 6 1878.

Sir,

I have the honor to acknowledge the receipt of your letter of the 16. ult., inclosing copy of a letter addressed to you, under date of the 11. ult., by the Commissioner of Pensions.

Having heard, just before sending the dispatch which elicited the Commissioner's letter to you & yours to me, that an agent of the Pension Office was in Miss., I at once supposed the agent might be Mr. Dunn, & that he could conveniently be here at the time fixed for the trial of Allen, & so afford me the benefit of his familiar knowledge of certain official & somewhat enigmatical papers, which it might be necessary to use & have clearly explained on the trial. Hence, I directed my Assistant, Judge Ware, to send the dispatch, & having paid for it myself, I had no idea that it was not entirely harmless.

Very Respectfully,

L. Lea, U.S. Atty.

The Attorney General, Washington, D. C.

(3)

So Dist. of Miss.

39 - DEPARTMENT OF JUSTICE.

Received June 13, 1878

Dated " 11, 1878.

From L. Q. Lea.
U. S. Attorney.

SUBJECT.

Telegram rel. to his resignation.

ACTION.

Filed

164

Blank No. 1. 347 — 11252

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. WILLIAM ORTON, Pres't.

RECEIVED JUN 23 1874 JUSTICE

Dated Jackson Miss June 23 1874

Received at Cor 15th and "F" Streets, Washington D. C. 9 15 pm

To The Attorney Genl

Washn D C

READ THE NOTICE AT THE TOP.

Your despatch suggesting my resignation is received. Will answer by letter

L Lea
U S attorney

22 Collect GR xx

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So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received July 1 1878

Dated June 26 1878

From L. L. Bradford late Ass't U. S. Atty.

SUBJECT.

Report rel. to trespass upon public lands in the sea coast country of Miss & c.

ACTION.

To Sec. Int. July 10, 1878

Gene

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CONN. VALLEY ABSTRACT LEGAL CAP. No 18.

DEPARTMENT OF JUSTICE JUL 1 1878

44 Natchez St.
New Orleans La.
June 26th 1878

Hon. Chas. Devens
Attorney General
Washington D.C.

Sir:

I submit to you this report of information of trespass upon the public lands in the sea coast county of Mississippi obtained by me while acting under your appointment of February 13th 1878 as Special Assistant counsel for the United States in the timber suits then pending in Mississippi.

1st. Louis K. Howell made a Homestead entry on the N.E. 1/4 of Sec. 21. Township 2 S. R. 7 W. in Jackson County on 29th July 1875. On 10th March 1878 I found Jim Howell living in a substantial house, with other improvements supposed to be on this land, or else on Sec. 22. very near the line between 21 & 22. He, or some one for him, had been lately cutting a good deal of timber in both sections. I found much "square timber" then on the ground. The W 1/2 & N.E. 1/4 of 22 is embraced in "Krebs list". The cutting referred to was on N.E. 1/4 of 21 & N W 1/4 of 22: & I think James Howell did it or had it done.

2nd. In the Summer of 1876 Elias B. Smith (living near Mos Point Jackson Co.) hired Wade Bolton (colored) & George W. Hough (of Mos Point) to cut about 350 logs from the N.E. 1/4 of Sec. 9. T. 2 S. R. 7 W. on Mill Branch. T. T. Childress, who

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lives on N.E.¼ of S.E.¼ of the Section is a witness, & thinks Smith claimed the land by purchase from the State under the Krebs list.

The E½ of the Section is covered by that list, Childress holding under it. He has not committed depredations.

3rd " William Howell lives about 12 miles from Ross Point on the road leading from Ramels ferry to Leakesville. He hired men in Summer of 1877 to cut about 1600 logs from Sec. 3 & E½ of Sec. 4, T. 2 S. R. 7 W. Jackson Co. Sec. 3 is public, & so is the E½ of S.E.¼ of Sec. 4 - tho' it is covered with Krebs list. The men who cut for Howell are F. F. Childress, living on Sec 9, same Township - Richard Hard living in Sec. 4 same Tp., B. F. Rouse living in Clark Co. Alabama, & Jesse Adams, living with Childress but usually employed in cutting cord wood about Ross Point. John Wilson hauled for Howell. He lives about 2 miles north from Ross Point -

4th " Daniel K. McInnis living on Sec. 6 Tp. 1 S. R. 7 W. in Green Co. a little South of McInnis mill creek informed me that Daniel McInnis who lives about Sec. 38 or 39 same Tp. has within the last 2 or 6 years cut a good deal of square timber from Secs. 2 & 3 of that Tp. He hauled it to the Chickasahay river & floated it down.

5th " John McInnis living on public road on S.E.¼ of S.W.¼ of Sec. 19. Tp 4 S. R. 6 W. Green County says that John G. & Wm W. Ball have cut and

CONN VALLEY
ABSTRACT LEGAL CAP.
NO 18.

hauled off much timber from Sec. 25. T. 1 N.
R. 7 W. I find that John G. Took a Home=
=stead entry on 1st Sept. 1871 on the S 1/2 of
N.W 1/4 of 25; & that Wm W. Ball, on 4th Dec.
1873 took a Homestead entry on the S.E 1/4 of
that Sec.

6th James Hillman lives on Sec 7 T. 2 N. R. 6 W.
Green Co., says L. P. Turner had square timber
cut from his land in Sec. 8 in 1877. He
lives near Hillmans, but not on his Homestead
I find he took, 16. June 1875, a Homestead entry
on the W 1/2 of the N 1/2 of Sec. 8. On March
7th 1873 George W. Turner took a Homestead entry
on the S 1/2 of the S.E. 1/4 of Sec. 18.

Edward Vaughan, living at Ino's Point, & John
M. Inis, living at Meridian Miss., as Partners, Just much square Timber on Big Creek
The had some cut from the Homestead entry of L. P. Turner,
paying him $1 per Tree. This is the timber
Turner is said to have himself cut. The cutters
were Jim Watkins, living near Hillmans, & Wm
Brewer, son of Daniel Brewer, who lives on Sec.
6. T. 2 N. R. 6 W. They also cut for the same
parties on the Homestead of Geo. W. Turner on
Sec 18.

7th James Hillman & Cornelius Brewer say that
Wm Merritt does not live on his Homestead -
I find he took on 3rd Aug. 1876, a Homestead entry
on S.W 1/4 of S.E 1/4 & S.E 1/4 of S.W 1/4 of 18 T. 2 N. R. 6 W.
Green County. They tell me that his uncle
George W. Turner in the Summer of 1876 cut much
timber from both their Homesteads in
Sec. 18 -

8th Henry Roberts on 28th July 1875 made Home=
=stead Entry on N.E. ¼ of Sec. 21 T. 3 N. R. 8 W.
Green Co. I found him in March 1878 living
on Sec. 8 T. 2 N. R. 8 W. & heard he had never
lived on his homestead. He admitted to me
he had done some cutting on his homestead;
but had cut mostly from Sec. 16 adjoining it,
having procured from the State the right
to cut from that Section.

James Green who lives in N.E. corner of Sec. 11-
T. 2 N. R. 8 W. told me Hiram Breeland,
living on Sec. 8 same Tp., has been cutting
on that Sec., but he thinks on no other
land. I saw Mr. Breeland at his old
home on that Sec. where he has lived all his
life, he owning a good deal of land in the ear
it. He denies cutting on any but his own
land & I think he told the truth. He has a
good name.

10th Hiram Breeland says James & Manuel Bird
in Summer of 1877 cut timber from land east of
Sec. 8. Tp. 2 N. R. 8 W. He thinks from W½
of N.W¼ of Sec. 9- They lived about Sec. 6 or 7-
Malcolm M. Swain living with Breeland is a
witness- I find that the W½ N.W¼ of 9 was
vacant public land in March 1878-

11th On April 4th 1872 Margaret Bradley took a
Homestead entry on S.W¼ of S.W¼ of Sec. 25,
N½ & S.E¼ & S.E¼ of Sec. 26 Tp. 3 N. R. 9 W. Perry Co.
A. B. Kittrell who has a homestead entry and
store, lives upon N½ N.W¼ of Sec 6 T. 2 N. R. 8 W.
says she had some timber cut from her homestead

CONN. VALLEY
ABSTRACT LEGAL CAP.
No 18.

from adjoining entered land. I also learn that Daniel H. Bradley, James E. Bradley, Isaac Bradley & Quincy A. Bradley, who have Home=steaded on Gaines & Thompsons Creek, in T. 3 N. R. 9 W., have for several years past been engaged in cutting most of the logs that have been cut on Gaines Creek. James E. lives now in Jones Co. Miss. about 45 miles from Ellisville.

The other Bradleys have within the past 4 or 5 years cut much timber from their respective homesteads in T. 3 N. R. 9 W. Perry Co.

Marion Bradley, who lives in Augusta Miss. is said to have cut the timber from the Homestead of Mrs. Margaret Bradley in the summer of 1877. She does not even has lived upon the land, but on Sec. 36, same township. It is said by some she has proved up & gotten a final certificate. If so there must have been fraud & perjury. J. A. Sylvester, living on Sec. 26 same township, knows the facts.

12th " I learned that W. R. Lott purchased the Homestead of Quincy A. Bradley on E½ of E½ of Sec. 21 T. 3 N. R. 9 W. Bradley's entry dates 7th " May 1873. Bradley then moved to Texas, & in 1876 Lott cut the timber from it.

13th " Cyrus Mc Donald (colored) on 9th July 1874 made a homestead entry on E½ S. E¼ of N½ N½ N E¼ of 20. & on same day George Rose (colored) took a Homestead entry on S½ S. W¼ of N½ & S½ N½ N W¼ of 20. T. 3 N. R. 9 W. Perry Co.

In March last Cyrus Mc Donald at the

house of Daniel Merritt in Sec. 29, where he lives
& has for years lived as a laborer on the farm.
He Mr. Merritt stated as follows. That
neither Mc Donald or Ross had anything to
do with originating these entries they signed
no papers, took no affidavits, did not live on
or cultivate the land or any part of it &
never did. That Andrew Vaughan, a white
man, now living at the mouth of Black
Creek, about 20 miles north from Mop Point,
got up the papers & made the entries & paid
all fees &c. & must have signed their names to
any papers which purports to have been
signed by them. Ross lives at or near
Vaughan works or has been working with him.
Vaughan cut from the land all the square
timber. Charles Garner, who lives at old Americus,
is a witness; He cut timber with or for Vaughan
from the land in question

C. H. P. Jones was Clerk of Perry County when the
homestead papers were gotten up, & they must
have been certified by him.

Note: The references to lands covered by the
Krebs List are thus explained.

H. Krebs Commissioner for the State of Mississippi
to select Swamp lands entering to that State under
the Swamp land act of 28th Sept. 1850 made
affidavit on June 20th 1860 to a list of selections
in Jackson County, embracing 104,678.31 acres
This list was in due time filed with the
Commissioner of the General Land Office as the basis

CONN. VALLEY
ABSTRACT LEGAL CAP
No 18.

proof of the rights of the State under the act.
But for reasons not necessary to state, no part
of the selections has ever been approved or patented
to the State. On the contrary the United States
disregarded the list & its demands. But the
Legislature of Mississippi, notwithstanding
this, on the 3rd Dec. 1861 (during the war)
passed an act confirming this list, & assuming
title to the lands affected by it. And by
the First Annual Report of the Commissioner
of Swamp lands of that State dated 31st
Dec. 1857 he states that the State had
disposed of all the lands. In my
investigations I have found many persons
owning & in some cases living upon and
improving lands held under this assumption
of title by the State; their officers have
been and yet are, engaged in issuing their
State patents for such lands.

Respectfully submitted

J. L. Bradford

Ex Dist. Dept. Counsel &c,

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Aug 12 1878.

Dated " 11, 1878

From L. Lea

U. S. Atty.

SUBJECT.

Telegram rel. to the case against U.A. Carter Sp. Agent &c.

ACTION.

To Secy of Int Aug 12/78

171

Blank No. 1. 378 F 0559

THE WESTERN UNION TELEGRAPH COMPANY.

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This message is an UNREPEATED MESSAGE and is delivered by request upon the conditions above specified.

R. H. BREWER, Sec'y. NORVIN GREEN, President.

Dated Jackson Miss Aug 31 1878.

Received at Cor. 15th and "F" Streets, Washington, D. C. 4040

To The Attorney Genl

Washn D C

READ THE NOTICE AT THE TOP.

Wrote you yesterday about Carters case nothing from him for last three days have not seen indictment but presuming it was Killfully drawn under advice of able lawyers and precludes idea that acts charged were done in performance of officials duty I beg to be informed of any law by which Governor

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Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. NORVIN GREEN, President.

Date, 1878.

Received at Cor. 15th and "F" Streets, Washington, D. C.

To

READ THIS NOTICE AT THE TOP.

2 Geo

may be brought before
Federal Judge on Habeas
Corpus there seems to
be none in reserve
statutes believing his
arrest vindicative & oppressive
an exercise of impatient
to find efficacious remedy
& cannot go to
Miss Court in consequence
of stringent quarantine
regulations. Have suggested to
Carter that he consult Colleton
Henderson of Bay St Louis
who is a good lawyer
& true man
126 Collector Govt Custs Lea U.S. Atty 173

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received Aug 13, 1878

Dated " 10, 1878.

From L. Lea.
U. S. Attorney.

SUBJECT.

Rel. to the arrest of W. A. Carter &c. Agent &c.

ACTION.

Filed.

174

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE AUG 13 1878

Jackson, August 10. 1878.

Hon.

Your telegram of the 6th inst. respecting the arrest of Special Agent Carter, forwarded to me at Vicksburg, where I was attending the examination of a Post Office Embezzlement case before a U. States Commissioner, was received late in the evening of that day. Next Morning I sent him a dispatch, of which a copy is herewith, marked A. On my return to Jackson in the evening of the 8th I received a dispatch from Col. Carter, of which a copy is herewith, marked B. As the result of my best reflection on the case, full of difficulty as it is, I sent him on the 9th a dispatch, a copy of which is also herewith, marked C.

I cannot but think that the imprisonment of Col. Carter in the jail of Jackson County is not only unnecessary, but that it would be, under the circumstances, an outrage, & I greatly regret that there ~~seems to be no~~ available legal remedy

175,

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, 187

adequate to the emergency of his case. I therefore deemed it permissible & proper for me to send a private despatch yesterday to the Coast, saying that if my friends there would interpose & prevent Col. Carter from being incarcerated they would greatly oblige me personally.

Until I hear again from Col. Carter & see a copy of the indictment against him, I do not see what more I can do in his behalf; but I shall be constantly anxious about his case, & will be prompt to use all the means in my power to carry out your instructions concerning him. Nothing but the stringent quarantine Regulations prevents me from going at once to Miss. City.

Very Respectfully,
L. Lea, U.S. Atty.

The Attorney General
Washington,
D. C.

176/

A.

Vicksburg, Miss. Aug. 7. 1878.

M. A. Carter Special Agent Int. Dept.

Mississippi City, Miss.

Am directed by Attorney General to communicate with you. What is charge against you? Advise me as fully as you can by telegram, & suggest how I can serve you.

L. Lea.
U. S. Atty.

177

B

Miss. City, Miss. Aug. 8. 1878.

Hon. Luke Lea, U.S. Atty.

The indictment was found against me in Jackson County in May last. I was arrested under capias sent to the Sheriff of this county on Monday the fifth. The charge against me is conspiracy. I am now in the custody of the Sheriff of this, Harrison County. I desire to be released and prefer that you take out writ of Habeas Corpus- for if I give bail in this case I may be subjected to this trouble and indignity again. Whatever is to be done should ~~be undertaken~~ at once. There is little time left in which to prevent my being taken to Scagoula and incarcerated.

M. A. Carter.

Spl. Agent AG.

178/

C.

Jackson, Aug. 9. 1878.

M. A. Carter, Special Agent, Mississippi City.

Proceedings you contemplate practicable now. May be instituted shortly. Meantime, You should give bail. Can you do it? If you have or can procure copy of indictment, send it to me immediately.

Fever & quarantine prevent my going to Mississippi City. Suggest that you consult with Collector Henderson, Bay St. Louis.

L. Lea U.S. Atty.

194

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received Aug 24. 1878.

Dated " " 187

From H. R. Hare.
Asst U.S. Attorney.

SUBJECT.

Telegram, asking if he can store office on account of yellow fever.

ACTION.

Ans Aug 24. 1878.

181

Department of Justice.

XCI. GVT. JACKSON MISS AUG XXVIITH. HON CHS DEVENS. ATTY GE

182

1.13 1.25.

TY GEN. WASHINGTON DC.. IN VIEW OF THE FEVER AND CONSEQUENT GENERAL

T GENERAL SUSPENSION OF ALL BUSINESS WHEN WOULD I BE JUSTIFIED IN

IN CLOSING THE OFFICE OF U..S.DIST ATTY AT THIS PLACE. H.R..WA

T ATTY AT THIS PLACE. H.R..WARE.ASST.U.S..ATTY. XL1V COLLECT GVT.

So. Dist. of Miss

DEPARTMENT OF JUSTICE.

97

Received Sept. 2 1878

Dated Aug 31 1878.

From Thos. W. Hunt,
U.S. Mar.

SUBJECT.

Asking extension
of leave of absence

ACTION.

Ans Aug 31/78

183

Washington D.C.
31st Aug / 78

To Hon. Chas. Devens
Attny Genl U.S. Sir -

I have the honor to apply for a further leave of absence from my District, basing the same upon the fact that Yellow Fever is raging in my District & I do not feel disposed to return unless an absolute duty should demand it - I therefore ask an extension of my leave until the 15th October inst.

Very respectfully
Yr obed Servt
Thos. W. Hunt
U.S. Marshal So. Dakota Dist

184

So Dist. of Miss

196

DEPARTMENT OF JUSTICE.

Received Oct 5, 1878

Dated 2, 1878

From Thos W. Blunt.

U. S. Marshal.

SUBJECT.

Requests extension of his leave of absence.

ACTION.

Ans Oct 5. 1878

185

Chicago Ills 2nd Oct 1878

DEPARTMENT OF JUSTICE OCT 5 1878

Hon Chas Devens
Atty Genl U.S.

Sir -

I have the honor to ask a still further extention of my leave of absence from the Southern Judicial District of Mississippi.

I am led to make this request because of the continuance of Yellow Fever in almost every portion of the District - & especially because it is now in Jackson and in the larger cities. The Country & the Country-towns & villages are fencing back vigilant measures & forbid the passage of persons from the infected districts, & I could join myself, counsel & execute any writ in person in the interior - unless I have a Deputy at the Office in Jackson who will attend to current business -

I am informed that Judge Hill is out of the District & that no business is being transacted of any character under the circumstances, while my absence has been much longer than I desired, - I owe it a

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duty to be my family, as also to myself to ask that I be not required to return until a sitting Court shall have visited that District, when the public service shall require it -

I therefore ask an extension during the month of October - & if necessary will report by Telegraph weekly so as to be subject to orders -

I propose to return during the first week - as soon as it is deemed necessary by me -

Very respectfully

Your O. S. Grant

U.S. Grant Col 21st Inf

address

Care of Dickson & Donaldson

St Louis

187

So Dist. of Miss

35-H

DEPARTMENT OF JUSTICE.

Received Nov 11, 1878.

Dated " 9, 1878

From N. B. Sage.

Deputy Marshal.

SUBJECT.

Telegram rel. to the absence of District Attorney, adjournment of Court &c.

ACTION.

File

(88)

Blank No. 1. 280 56 Pm

THE WESTERN UNION TELEGRAPH COMPANY.

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A. B. BREWER, Sec'y. 38 No NORVIN GREEN, President.

Dated Jackson Miss Oct 9 1878.

Received at Cor. 15th and "F" Streets, Washington, D. C 9 P.M.

To Jas A Wing

Chief Clerk

Washn D C

District attorney not here
here for two Months
dont know of his Whereabouts
Court adjourned until fourth
Monday in January or Judge Hill.

M E Cage
Deputy Marshal

38 Collect G R Ry

189

READ THE NOTICE AT THE TOP.

So Dist. of Miss

DEPARTMENT OF JUSTICE.

257

Received Nov 15. 1878

Dated 16. 1878.

From H. R. Hare.
Asst U. S. Atty.

SUBJECT.

Telegram stating that his office is now open &c.

ACTION.

Ack

190

Blank No. 1. 191 415R

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A. R. BREWER, Sec'y. 28 C NORVIN GREEN, President.

Dated Jackson Miss Nov 16 1878

Received at Cor 15th and "F" Streets, Washington, D. C. 414p

To Chief Clerk Dept of Justice
Washn D.C.

Our office is open am
prepared to transact all
business of your dept
in my power =

H R Ware
asst U S Att
3/ Collect Plate
Co Hm

READ THE NOTICE AT THE TOP.

191

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Nov 18, 1878

Dated " " 1878.

From L. L. Lea.

U. S. Attorney.

SUBJECT.

Telegram rel. to the timber cases &c.

ACTION.

To Sec. Int., Nov. 19, 1878.
Mch Lewis Plum copy

Genl

192

Blank No. 1. 277 GR 747 Pm

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. 17 Ns NORVIN GREEN, President.

Dated Jackson Miss 11 Nov 187 6 pd

Received at Cor. 15th and "F" Streets, Washington, D. C.

To Atty Genl

Washa D C

READ THE NOTICE AT THE TOP.

Your despatch of Eighth inst received on my return today November term having elapsed timber cases in Statute of Limitations furnished me yet in any of the Cases

L. Lea

Z Hallyer U S atty 1031

So Dist. of Miss

297

DEPARTMENT OF JUSTICE.

Received Dec 7, 1878.

Dated " 3, 1878.

From L. Lea

U S Attorney.

SUBJECT.

Rel. to the seizure of certain logs and forwarding copy of his letter to Mr Bradford.

ACTION.

Filed

194

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE
DEC 7 1878

Jackson, Dec. 3 1878.

Sir,

I have the honor to acknowledge the receipt of your letter of the 23. Ultimo with the enclosures stated.

Pursuant to your instructions to confer with Mr. Bradford, etc., I addressed him a communication yesterday, a copy of which is herewith enclosed. I shall be prompt in giving proper attention to this matter on hearing from Mr. Bradford.

Very Respectfully,
L. Lea, U.S. Atty.

Hon. Chas. Devens,
Attorney General,
Washington,
D. C.

195

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, Dec. 2 1878.

Major J. L. Bradford,
U.S. Dep. Surveyor,
New Orleans,
La.

Sir,

On my return from Vicksburg last night, I received a letter from the Attorney General, dated the 27th Ult°, which concludes as follows: "If requested by the Secretary of the Interior, I hereby instruct you to confer with Mr. Bradford, the Surveyor, & if in your judgment the Evidence shall be sufficient, you will at once take the legal steps to seize & sell said logs, in order that the proceeds may be deposited in the Treasury of the United States." The logs referred to are those mentioned in your letter of the 1st. Ultimo to the Commissioner of the General Land Office, in which you say, "There are

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Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 187

from twelve to fourteen thousand pine logs now lying in & near East & West Hobolochitto, which are certainly the property of the United States & the most if not all of which will be condemned on the Evidence afforded by my surveys." + + +

In discharge of the duty imposed on me by the instructions of the Attorney General, I have to request that you furnish me with a full & specific Statement of the Evidence that may be adduced in support of an action or actions of Replevin by the U. States for the recovery of the logs in question. I say Replevin, because, as you will observe, my instructions contemplate a seizure of the property, & to that End, Replevin is the appropriate form of action under our law. Familiar as you are with the Statute of Mississippi in relation to Replevin & with the timber business generally, you

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 187

from twelve to fourteen thousand pine logs now lying in & near East & West Hobolochitto, which are certainly the property of the United States & the most if not all of which will be condemned on the Evidence afforded by my surveys." +++

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Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 187

will know
what facts are necessary & provable in order
to justify me in taking the legal steps spe-
cified in my instructions, & it is therefore
unnecessary for me to trouble you with
particular inquiries.
If on receipt of your answer, I conclude
that legal proceedings shall be instituted
the first thing in order will be the making of
the affidavit or affidavits, as the case may
be, required by the Statute, & to you I
must look to have this done.
Hoping that I shall hear from you
promptly, I am,
Very respectfully,
L. Lea, U.S. Atty.

198

So. Dist. of Miss.

199

DEPARTMENT OF JUSTICE.

Received Dec 9, 1878.

Dated 5, 1878.

From L. Lea.

U. S. Atty.

SUBJECT.

Requesting certified copies of reports of J. L. Bradford for use in trial of timber cases.

ACTION.

To Sec. Int., Dec, 9, 1878.

199

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE DEC 9 1878

Jackson, Dec. 5. 1878.

Sir,

As the Reports of surveys recently made to the General Land Office by United States Deputy Surveyor, J. L. Bradford, will be highly useful in the prosecution of the timber cases still pending in the U.S. Circuit Court for this District, an adjourned term of which is to commence the 4 Monday in January. I have the honor to request that you cause certified copies of said Reports to be sent to me at as Early a day as it may be conveniently done.

Very respectfully
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

200

So. Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Dec 10, 1878.

Dated " 7, 1878

From Asst U.S. Atty.

SUBJECT.

Ref. to action of Soldier of Treasury in case of U.S. vs F. S. Hawk

ACTION.

Ref to Sol. Treas Dec. 12, 1878.

201

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Dec 12, 1878.

Dated " 10, 1878.

From Thos. N. Hunt

U. S. Marshal.

SUBJECT.

Telegram request-
ing instructions
in matter of certain
logs &c.

ACTION.

Ans Dec 13, 1878.

2021

Department of Justice.

203

204/ 361 ~~THRE OXTY~~ GVT. JACKSON MISS DEC XTH. THE ATTORNEY GEN 260 48

260 455R

RNEY GENERAL. WASHINGTON D.C. THE COMMISSIONER OF GENERAL LAND OFFICE UND

F'ICE UNDER THE BELIEF THAT JUDGEMENTS HAVE BEEN CONFESSED IN CERTAIN T

ERTAIN TIMBER SUITS REQUESTS ME TO TURN OVER TO RECEIVER OF PUBLIC MONE

BLIC MONEYS THE LOGS SEIZED IN SAID SUITS. · THE FACT IS THERE HAS BEE

ERE HAS BEEN NO CONCESSION OF JUDGEMENTS SO U.S.ATTORNEY SAYS. SHALL I C

HALL I COMPLY WITH COMMISSIONERS REQUEST. IF SO BY WHOM SHALL THE INVE

ALL THE INVENTORY BE TAKEN. THE RECEIVER OR MYSELF. HE REFUSES TO RECEIP

ES TO RECEIPT TO ME WITHOUT A NEW INVENTORY. THOS..W..HUNT. U.S.MARS

A NEW INVENTORY. THOS..W..HUNT. U.S.MARSHAL. NINETY COLECT G.RATES.

So Dist. of Ulinois

13

DEPARTMENT OF JUSTICE.

Received Dec 17, 1878.

Dated " 13 1878

From L. Lea

U. S. Attorney

SUBJECT.

Rel. to the log cases.

ACTION.

To Sec. Int., Dec. 21, 1878.

Genl

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Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE DEC 17 1878

Jackson, Dec. 13. 1878.

Sir, By request of J. L. Bradford, Deputy U. States Surveyor, his asistant, Benjamin McLeran, came here from New Orleans Yesterday morning, for the purpose of conferring with me in relation to the logs reported by W. Bradford as in & near the East & West Hobolochitto creeks & as certainly the property of the U. States; the said logs being those referred to in your letter to me of 23. November. W. McLeran was accompanied by Special Agent A. P. Eastlake, sucessor of Col. M. A. Carter, lately deceased.

Upon a careful examination of the evidence submitted to me by W. McLeran, it was found that he could not make the necessary affidavits for the seizure of more than a small portion of the logs in question, & that portion he says will not be claimed by any one adversely to the U. States. Indeed, he is confident that all the

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Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, ... 187

logs in & near the creeks mentioned, which are the property of the U. States, can be taken & disposed of by a prudent agent of the Interior Department, without molestation from any quarter. His idea is that none of the depredators, will have the courage to come forward, since the making of the surveys, & set up claims, which they fear will subject them to civil suits & criminal prosecutions.

After full consultation with Messrs. Eastlake & McLeran, the conclusion reached was, that to commence legal proceedings now would be premature to say the least, & that the first thing to be done is for Mr. Eastlake to go at once & test the correctness of Mr. McLeran's view of the situation, by taking posession of all the logs to which no adverse claim is interposed. If he is not interfered with, there will of course be no necessity for legal steps to seize any of the logs. But if adverse claims are set up, he will

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UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 187

learn definitely the particular logs to claimed by whom. In this way, we shall find out whether any suits are really necessary, & if any, how many, for what & against whom.

The course indicated having been determined upon, Messrs. Eastlake & McLeran took their departure last night for New Orleans & the Yalobushas.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General
Washington
D. C.

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, ... 187

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Very respectfully,
L. Lea, U.S. Atty.

The Attorney General
Washington
D. C.

208

So. Dist. of Miss.

DEPARTMENT OF JUSTICE.

24

Received Dec 24, 1878.

Dated " 20., 1878.

From L. Lea

U. S. Attorney.

SUBJECT.

Rel to the log cases against Bond Thomas & Neal.

ACTION.

Answd Jan 2/79

29

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE 1878

Jackson, Dec. 20. 1878.

Sir,

I have the honor to acknowledge the receipt of your letter of the 17. inst. with the inclosures stated.

It is to be inferred from your letter that you consider it necesary for the Marshal to hold possession of the logs seized in the cases against Bond, Thomas & O'Neal until judgments therein shall have been finally rendered. I had taken a different view of the matter, & accordingly, on the 9. inst., in answer to a note from the Marshal, advised him to turn over the logs in question to the Receiver of Public Moneys, as requested by the Commissioner of the General Land Office. In explanation of my action in giving that advice, I respectfully refer you to the copy herewith of my letter to the Marshal.

It is is to be regretted that these logs could not have been disposed of in a short time after the defendants in the cases mentioned had given their consent

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UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, _____ 187

that judgements should be entered against them. The expense of keeping the logs cannot, I suppose be less than $150 pr. Month, & now that the rainy season has set in, there is danger that many of them may be lost by freshets. It seems strange, to say the least, that the government should be under the necessity of incurring such expense & risk in order to get rid of property of which it has the peaceable possession & its title to which no one calls in question. My conviction is that the sooner this property is brought fairly into market & sold, the better it will be for the interest of the government.

Very Respectfully
L. Lea, U.S. Atty

The Attorney General,
Washington
D. C.

2

Dec. 7. 1878.

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, Dec. 9. 1878.

Thos. W. Hunt Esq
U.S. Marshal,

Sir,

I have received your note of this date informing me that you have been instructed by the Commissioner of the General Land Office to turn over certain logs in your possession to the Receiver of Public Moneys at this place, & asking me to instruct you also in regard to the matter.

The logs refered to, I understand, are logs seized by you under writs of replevin in the following cases now pending in the Circuit Court of the United States for this district, viz.

The United States vs. Russell Bond
Same " John Thomas &
Same " G. H. O'Neal.

The Commissioner, it appears, is of the opinion that there has been a confession of judgment in each of these cases, but such is not the fact. As above stated, the cases are still pending in

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 187

Court, & strictly speaking, there has been no confession of judgment, in either of them. The defendants, however, have formally confessed before a U.S. Commissioner that they have no title to the logs & that said logs are the property of the U. States. They also consented that judgment might be entered against them in Court. Inasmuch then as the logs are conceded to be the property of the U. States, & as the Interior Department has by law the management generally of all such property, there appears to be no sufficient reason for your declining to turn over the logs to an agent of that Department properly authorized to receive them. My advice therefore is, that you comply with the request of the Commissioner.

Very respectfully,

L. Lea

U.S. Atty

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received January 2, 1879

Dated Dec 31, 1878

From Lea

U. S. Attorney

SUBJECT.

Telegram asking if he shall turn Logan over to Special Agent Bartlake

ACTION.

Answd Jan 2/79

214

Blank No. 1. 226

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.
Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery. Unrepeated Messages, and the Company is this message is an UNREPEATED MESSAGE and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Sec'y. 32 NORVIN GREEN, President.

Dated Washington Dec 31 1878

Received at cor. 15th and "F" Streets, Washington, D. C. 4 02 Pm

To The Attorney Gen

Washn D C

Referring to my letter of twenty sixth inst I shall advise Marshal to turn logs over to Special agent Estabrook immediately answer requested

L Lea

U S Atty

553 Calleon GK

Ln J

215

READ THE NOTICE AT THE TOP.

So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received January 4, 1879.

Dated " 2, 1879.

From Lo Lea

U. S. Attorney

SUBJECT.

Stating that he has advised the Marshal to turn logs over to Agent Int. Dept

ACTION.

File

216

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE JAN 4 1879

Jackson, Jan 2 1879.

Sir,

I have the honor to acknowledge the receipt of your telegram of this date, which is in these words: "If you are confident confessions are good, advise Marshal to turn logs over to Agent Interior Department."

Having no doubt that the confessions, so called, are good for what they purport to be, I have advised the marshal to turn the logs over to A. P. Eastlake, Special Agent of the Interior Department.

Very Respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

217

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received January 13, 1879.

Dated " 10, 1879.

From L. Lea

U S Attorney.

SUBJECT.

Rel to investigation of the Kemper County Massacre

ACTION.

Ans Jan 14/79.

219

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE JAN 13 1879

Jackson, Dec 10 1879.

Sir,

Agreeably to your views & wishes as previously Expressed to me, at the last term of the U.S. Court, I called the attention of the Grand jury to the notorious Kemper County Massacre, & I informed them that in your opinion Chisolm & Gilmer were killed because they had been, or were Expected to be, witnesses in said Court, & that, therefore, those who killed them were liable to indictment under Sections 5399 & 5406 of the Revised Statutes. Having read and carefully explained these Sections to the jury, I thereupon urged them to proceed at once to investigate the matter & to make the investigation as thorough and complete as possible. Accordingly, every person that any one of the jury, My assistant or myself could think of as at all likely to give any evidence material to the inquiry, was summoned & examined. Among these were two brothers of Chisolm & a number of his most intimate friends. At the outset of the

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investigation, several of the jury were confident that the evidence to be adduced, would establish the correctness of your opinion, & it is but just to the jury to say that, if such had proved to be the case, the indictment of the guilty parties would have certainly followed. But when the investigation closed, which was not until every member of the jury became satisfied that it would be useless to continue it further, they were found to be all of one mind as to the failure of the evidence to prove that Chisolm & Gilmer were killed because they had been, or were expected to be, witnesses, & this the jury publicly stated in open Court when they came in to be discharged. The result of the investigation confirmed my previous opinion that any effort to have the murderers of Chisolm & Gilmer indicted under Sections 5399 & 5406, R. S. would be unavailing.

There is, however, another Section of the Revised Statutes which, I think, covers the Case of these

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Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, _____ 187

Criminals, & under which they ~~can be~~ indicted; but whether the indictment would be sustainable is more than I can say. The section referred to is 5519. I have no confidence that any indictment under that Section, however skilfully drawn, would be sustained by the Court. The Section is part of so much of the Act of '71 as was passed to inforce the 14. Amendment of the Constitution, & rests for its validity on the last clause of Section 1 of said Amendment, which is in these words: "Nor shall any State deny to any person within its jurisdiction the Equal protection of the laws." Whatever may be meant by the phrase "Equal protection of the laws," & I am not aware that its legal import has been judicially determined, it seems to be quite clear that the provision in the 14. Amendment above quoted, is nothing more than an inhibition on the States in their Corporate capacity as political & governmental organizations. "Nor

shall any State deny", etc. is the language of the Amendment. "If two or more persons in any State or Territory, conspire", etc. is the language of the Statute. If Section 5519 is constitutional, it may be safely affirmed that Congress has the power to confer on the Federal Courts jurisdiction of at least four fifths of all the crimes committed in all the States of the Union.

But it is not my intention to obtrude upon you an argument on the question of the Constitutionality of Section 5519. My object is merely to suggest the ground of my apprehension that an indictment under it would be adjudged invalid by the Court; and it is this apprehension, strongly felt, that has hitherto deterred me from having the Kemper County Criminals indicted under that Section; believing as I do that an indictment quashed would be worse than no indictment at all.

It may be, however, that my views in relation

to this matter are all wrong, and hence, I am free to say that if, in your better judgment, Section 5519 is constitutional and the actors in the Kemper County tragedy ought to be indicted under it, I will very cheerfully take such steps as may be necessary and proper to have them so indicted at the approaching term of Court. I anticipate no serious difficulty in having the indictment found, and if found, you may rest assured it will be prosecuted with all due zeal and with all the ability I can command.

Very respectfully,
L. Lea,
U.S. Attorney.

Hon. Charles Devens,
Attorney General,
Washington,
D.C.

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So Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received January 14, 1879.

Dated " 13, 1879.

From U. S. Bage.

Dep. U. S. Marshal.

SUBJECT.

Transmits copies of correspondence between U. S. Marshal and U. S. Attorney rel. to certain outrages.

ACTION.

File

224

OFFICE OF

United States Marshal

DEPARTMENT JAN 17 1879 JUSTICE

THOS. W. HUNT, MARSHAL.
WILL. EDWIN CAGE, DEP. MARSHAL

FOR THE

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, Jany 13th 1879

Hon. Chas Devens
Atty Genl U.S.
Washington D.C.

Sir:

At request of U S Marshal Hunt I send you herewith copies of a correspondence which recently took place between himself himself and U.S. Attorney Lea. As also copies of other letters and memoranda accompanying Marshal's letter to said Atty. I would state that I have also furnished the Senate Committee now in session at New Orleans with duplicate copies. Please withhold name of J Richardson.

Yours Most Obt

Will Edwin Cage

22½

Post Office

Post Gibson Claiborne County Miss
December 11th 1878

Hon T.W. Hunt
U.S. Marshal
Jackson Miss

Dear Sir

Permit me to call your attention to a matter of grave import. Harrison Page I presume you are aware Killed Dr Buck and one of his Deputies. This of course merits our sincerest condemnation. In consequence of this all of the Pages are regarded by the White People here as Hostes Humani Generis and treated accordingly. Cannot Federal protection be given to those members of the Page family who were in no way connected with the Crime? If any of the Page boys are caught they will be hung or shot-sure, as old Man Page with six others have been shot, and I am informed that five more (all innocent) were taken out of Jail last night, and this is all that is Know of them. You can imagine but I cannot picture the condition of affairs here. If Harrisons place of concealment is discovered and any attempt is made to arrest him he will surely Kill some one else. And then I cannot tell what will take place, as none of us feel safe now.

If you have any regard for my safety donot divulge the contents of this letter, but if anything can be done for the innocent Peoples for Gods Sake do it.

The Page Women & Children (33 in all) without
Money food or clothing were sent over to La
with instructions never to return.

Trusting to hear from you at once
I remain
Very Truly Yours
T. Richardson

T Richardson Letter
to Freedmen's Bureau
Dec 11th 1868

Copy

Natchez and sent to Hard Times La with orders not to be seen on this side of the river again.

Harrison Page lived at least half mile from any number of his family. His Father and Brothers had nothing to do with the killing of Buck as all of them (his brothers) lived with their Father except Harrison and Bob and Robt Page lived at least two miles from the rest - on an other plantation. Yet they are all made by the action of our County Supervisors parties to the Crime, and are today refugees, and if taken will be hung without the formality of a trial.

Port Gibson Dec 28th 1878

Letter from Port-Gibson
to Attorney Gen'l
Dec 28th 1878
Copy

Hon Thos W Hunt
U S Marshal

Dear Sir:

Yours of the 23rd received and contents noted. I am sorry I cannot give as full and complete a statement of the Killing of Sheriff Buck and his Deputy and the subsequent Killing of Jas Page and several others as you may require.

During the Political campaign of '76 there occured a difficulty between Republicans and Democrats of this County some where near Pages place arising out of an effort of the latter to break up a meeting of the former. A bitter feeling against all of the Page family on the part of the Democrats has existed ever since. About two years since J P Briscoe, Chancery Clerk was found dead on the road to Pages folder shot through the head. Pages place is located two or three miles from Port Gibson. Briscoe was found half way between P's and Pages. The evidence that Harrison Killed Briscoe is purely Circumstancial. But it was deemed sufficient by leading democrats to warrant a systematic prosecution of the Page family. The have been repeatedly raided upon. The Grand Jury of this County some time since found a bill against Harrison Page for murder of Briscoe. Up to this time Harrison has eluded arrest. On the 27th of Nov 1878 Sheriff Buck with two Deputies went to Harrisons house (before daylight) and attempted to arrest him. It is said that one Jno Sawyer who was in the house, attempted to

escape when young Lum a Deputy fired at him, When Harrison opened fire on all of them. Killing Lum instantly and mortally wounding Buck. The other Deputy, Howard escaped came to town and reported the Affair. Immediately a posse of at least 100 men was raised and on their way to Pages, as a result of this Old man Page and a child were killed as also one Sawyer, three others were taken out of Jail and shot the latter in no way connected with Pages family. Every house on Pages place was burned. The Pages women and children 33 in all half Naked without clothing or money were put on Board Steamer Natchez and sent to Hard Times La with orders not to be seen on this side of the river again.

Harrison Page lived at least half mile from any member of his family. His Father and Brothers had nothing to do with the Killing of Buck as all of them (his brothers) lived with their Father except Harrison and Bob and Robt Page lived at least two miles from the rest on an other plantation. Yet they are all made by the action of our County Supervisors parties to the Crime, and are today refugees, and if taken will be hung without the formality of a trial.

Port-Gibson Dec 28th 1878

Letter from Port-Gibson
to Whitney
Dec 28th 1878
Copy

Memorandum

(1 copy)

Memorandum

copy

Hon T W Hurst-

Pleas summon Ell James as a Juror and Lucinda Simmons wife of Lewis Simmons Killed by the Mob on 27th Nov 1878 be sure to send for both

Yrs Rs

A G Niles

Dec 31th 1878

L Simmons lives on Hunters Island plantation four miles from here.

List of Jurors.

Harrison Johnson Jackson Davenport- Robt Leland. W B Andrews.

Witness: Rev D A Planck
Rev E H Morgan
Daniel Patterson
L P Williams
} He was present-

Phebe Page
Gracie Page
Lizzie Perins
Mrs Martha Sawyer
} All present- Hard Times So

It is said that Martha Sawyers son was tied and burned alive in his house. Send for all of the above and you may anticipate interesting developments.

PS I shall pass down the river on Steamer Natchez Wednesday next. Can you see me at Landing

If you think you can proceed, and of your determination thereupon please advise me without delay, as also in what way I can best cooperate with you in this matter.

Please donot fail to write me immediately

Very Respectfully Yours &c

Thos. W. Strud:

U.S. Marshal.

Marshals Letter to
Hon Lucius Lea
January 8th 1872
Copy

Vicksburg Miss January 8th 1879

To Hon Lucius Lea
U S District Attorney
Sir

I have the honor to refer to you the enclosed letters relative to certain outrages in Claiborne County. Which explain themselves. The writer Mr Thos Richardson is the Post Master at Port Gibson. He is an educated and reputable colored man, and one whose statements can be relied upon. As you will observe he wishes his name withheld, which request I trust will be respected as it is worth a mans life in that Community to be known as an informer in any matter of this sort. I would like to know while I am here and before my return to Jackson, what steps you think can be taken if any, and will cooperate with you to the fullest extent.

I desire also to call your attention to the facts that during November last at the time of trouble in La. connected with the Congressional election so I am informed, that bodies of armed men went over in La. from Mississippi and especially from Adams and Jefferson Counties.

If it is thought that anything can be done, I will get the names of witnesses, As also the names of some of the Leaders who went into Louisiana at that time.

There is one person however who is very conspicuous. to whom I wish to call special

attention: I refer to Capt Pat Darden of Jefferson County, who is now under indictment in U.S. Court for intimidation in 1876. He is the leader of one of the armed bands that went from Jefferson County to La in November last, and he also led a band which went from Jefferson County to Claiborne at the time of the Page affair. I mention his name especially because I know him to be a prominent character in proceedings of this kind and also to show his status before the Court.

If you think you can proceed, and of your determination therefrom please advise me without delay, as also in what way I can best cooperate with you in this matter.

Please donot fail to write me immediately

Very Respectfully Yours
Thos. H. Hunt
U.S. Marshal

Marshals Letter to
Hon Lucius Lea
January 8th 1878
Copy

U S Attorneys letter
to U S Marshal
Jany 11th 1879

Copy

Jackson Miss Janry 11th 1879

Thos W. Hunt Esqr
U.S. Marshal

Sir:

Your letter of 8th inst inclosing two letters from Thos Richardson of Port Gibson and some disconnected memoranda of names has just been recd.

The treatment of the Page family as represented by Mr Richardson is outragous and flagrantly violative of the laws of the state; but I am not aware that it involves a violation of the United States. As to the armed bodies of men who during the months of November, and at the time of the trouble in La. in connection with the Congressional election, went from Miss. to La. My impression is that whatever offenses were committed by them, whether against the State or the United States, were committed in La and not in Miss. The conduct of these excursionist is perhaps a fit subject for investigation by the committee of the U.S. Senate now engaged in investigation the late election in La As at present advised, I am unable to perceive that the facts stated by you or Mr Richardson call for any official actions in the premises either on your part or mine

Very Respectfully
L Q Lea
U S Atty

So Dist. of Miss

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DEPARTMENT OF JUSTICE.

Received January 29, 1879.

Dated " 25, 1879

From L. Lea

U S Atty.

SUBJECT.

Rel to the status of case against L. D. Allen.

ACTION.

To Sec. Int Jan 31, 1879.

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Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE JAN 29 1879

Jackson, Jan. 25. 1879.

Sir,

I have the honor to acknowledge the receipt of your letter of the 22. inst. requesting me to "report specially the present status of the case against L. D. Allen, of Natchez, Miss., charged with demanding & receiving illegal fees in the claims of Maria Lee, No. 97534, & Caroline Colston, No. 17330."

At the November Special Term 1877 of the District Court, three indictments were found against said Allen, charging him with having received unlawful compensation for prosecuting as attorney the pension claims of Caroline Colston, Maria Lee & Mary Carter, respectively. The cases have heretofore been continued on application of the defendant, & are now set for trial on the 5. day of Feb. prox. But I have ordered subpœnas for witnesses in

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, _____ 187

the last two cases only, believing it will not be necessary to try the first which is the least important of the three.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General
Washington,
D.C.

S. Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Feb. 3, 1879

Dated Jany 25, 1879

From Jno. Pea

U. S. Atty.

SUBJECT.

Requests instructions rel. to disposition of certain timber cases

ACTION.

Ans Feb 4, 1879.

genl

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Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE FEB 3 1879

Jackson, Jan. 28. 1879.

Sir,

I have the honor to call your attention to the inclosed copy of a telegram from W. D. Postlethwaite, Dep. Special Agent of the Interior Department, & to request your advice as to whether I have the right to dispose of these Timber Suits by compromise as proposed. Having no information as to the merits of the particular cases referred to by W. Postlethwaite, except such as I have received from sources other than the Agents of the Interior Department, I answered his telegram as follows: "Do you & Eastlake advise compromise as proposed, & if so, why?" Anticipating that his reply will be favorable to the compromise, I shall probably be confirmed in my present impression that it ought to be agreed to; but as my authority as Attorney of the U. States, to dispose of the cases by compromise may be doubted,

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, _____ 187

I deem it proper for me to ask for specific instructions in the premises. You will observe that W. Postlethwaite wishes to be informed of my "decision in these suits as soon as possible," etc. I have therefore to request that you use the telegraph in answering this communication.

I must say again, to prevent misapprehension, that I have not been furnished by the agents of the Interior Department with the name of a single witness nor a particle of evidence in any of these timber cases.

Very respectfully
L. Lea, U.S. Atty.

The Attorney General
Washington,
D. C.

287

Copy

Miss. City, Miss. Jan. 27. 1879.

Hon. Luke Lea,
U. S. Atty.

I have been instructed by the Commissioner of the Genl. Land Office at Washington to advise Postevent & Favre & Weston to submit their propositions to compromise to you. Please inform me of your decision in these suits as soon as possible, some important business awaiting the result of said compromise. Five hundred dollars offered by Postevent & Favre & two hundred by Weston.

W. D. Postlethwaite
Dep. Spl. Agent.

So Dist. of Miss

119 DEPARTMENT OF JUSTICE.

Received Feb 14, 1879.

Dated " 12, 1879.

From Jno Lea

U S Attorney

SUBJECT.

Rel to the cases against Jno D Allen

ACTION.

To Sec, Dat Feb. 18, 1879

239/

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, Feb. 12. 1879.

Sir,

Referring to my letter of the 25. Ult. in relation to the cases against L. D. Allen, I have now the honor to report, that he has been tried on the indictment charging him with receiving unlawful compensation for prosecuting the pension claim of Maria Lee, & after a vigorous defense by able counsel, was found guilty by the jury & sentenced by the court to pay a fine of $500.00 & stand committed until the fine shall be paid. A motion for a new trial was made & overruled. To the offense with which he was charged, he added the more heinous one of perjury in swearing falsely as a witness in his own behalf. He is an old man, greatly broken by age & misfortunes, & hence his sentence was comparatively light, & hence too, I was induced to enter a nol. pros. in each of the other two cases

240

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, _____ 187

against him.

Very respectfully
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

241

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Feb 14, 1879

Dated " 12, 1879

From L. Lea

U S. Attorney.

SUBJECT.

Ref to indictments found against four men of prominence in Kemper Co. in tragedy.

ACTION.

File

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE FEB 1879

Jackson, Feb. 12. 1879.

Sir,

I have the honor to inform you that, agreeably to my expectation, the Grand Jury at the present term of the District Court, have indicted of Conspiracy, under Sec. 5519, R.S. fourteen of the more prominent actors in the Kemper County tragedy. Among the indictees is the man, Covert, who made the false affidavit by virtue of which Chisolm & Gilmer were arrested & without which their massacre as prisoners would not have been brought about. Although the investigation of the matter by the Grand Jury required a good deal of time, there was no difficulty in procuring the indictment. The jury were unanimous in finding the bill, - & if the act under which it was found shall be adjudged valid, the conviction of the defendants will not at all

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Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, _____ 187

surprise me.
Considering the character & importance of the case, I deemed it proper that it should be remitted to the Circuit Court, & I have had an order made to that effect.

Very respectfully,
L. Lea
U.S. Atty.

The Attorney General,
Washington
D. C.

So Dist. of Miss

160

DEPARTMENT OF JUSTICE.

Received March 14, 1879.

Dated " 11, 1879

From Jo Knox

U S Attorney.

SUBJECT.

Returning papers used in connection with prosecution of Jo. D. Allen

ACTION.

To Sec. Int. March 15, 1879

245

Office of

UNITED STATES ATTORNEY,

DEPARTMENT OF JUSTICE
MAR 14 1879

Southern District of Mississippi,

Jackson, March 11. 1879.

Sir,

I have the honor to acknowledge the receipt of your letter of the 8. inst., & as requested, herewith return the papers from the Pension Office, sent to me for use in connection with the prosecution of L. D. Allen.

W. Allen was discharged from imprisonment yesterday, as a prior convict, under Sec. 5296, R.S.

Very Respectfully,
L. Lea, U.S. Atty.

Hon. Chas. Devens,
Attorney General
Washington,
D. C.

246

So. Dist. of Miss

178

DEPARTMENT OF JUSTICE.

Received March 20, 1879

Dated " 18, 1879

From H. R. Hare

Asst U S Atty.

SUBJECT.

Rel to punishment of criminals in the Chisolm Massacre

ACTION.

Answered March 24/1879

D

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Office of

UNITED STATES ATTORNEY,

DEPARTMENT OF JUSTICE
MAR 21 1879

Southern District of Mississippi,

Jackson, March 17th 187[illegible]

Sir

If I commit error in my feel to contribute something towards the punishment of the Criminals in the Chickasaw Nation, I feel that you will be inclined to exhibit such indisposition.

Referring to the letter of the District Attorney Judge Lea, written you on January 10th 1879. and the 12th and your reply to the former, on January 14th 1879. I have the honor to say that while I entirely Concur in the general Views contained in your letter, as to the liability of the Murderers to Judicial Trial under Section 5332 & 5406. yet I cannot Concur in the Views expressed by Judge Lea in his letter of January 10th as Referred to, where he suggests that Section 5332 is not in accord with the 14th Amendment of the Constitution, and not being authorized by it, must by the Courts be declared unconstitutional" In your letter Referred to you say, that you "have in the doubts of Judge Lea in this regard." What I desired to write is that if you have had occasion of late to examine the Law and decisions upon this point, Certainly I will not arrogate to Myself to write or express Contrary Views, but if it should be that your letter Referred to and written only in Reply—

248/

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, _____ 187

to the Jurors, which at first glance it presents to the Leading Judge [illegible] Letter and printed as before stated examining the Subject. I would in that event ask, would you regard it as transmission in one heading to the Circuit Court a Charge, under your to ask that I might, if I'd to you. My humble Views giving the Reasons why I hold a contrary opinion I trust at least you will pause. That my intention in opening that Subject is for some practical and good purpose, hoping that a further investigation might impress you that the Section Referred to was Authorized by the Amendment and to you Mighty Letter hope our Boys Down, give these Views to [illegible]

What I wish to say is this if you hold the Views indicated in your letter of January 14th 1872 after investigation I would not think of presenting a contrary view. If not, and if you would wish to know why I am influenced that Sec 5519 is authorized by the Amendment I would be glad to give them although it might be a very foolish argument to you.

I think they fail to furnish this Great Strong and Unnatural Crime, that Should Ever Disgrace any Code the Pillow of Any Constitution

Hon Charles Devens
Attorney General
Washington
D.C.

Very Respectfully
Your Obt Servt
H. R. Wade
Asst U.S Atty.

249

So Dist. of Miss

1879.

DEPARTMENT OF JUSTICE.

Received March 24, 1879.

Dated " 21, 1879

From Thos H. Hunt.

U S. Marshal

SUBJECT.

Rel. to the appointment of Deputy U S. Marshals

ACTION.

File ✓

250

So Dist. of Miss

25

DEPARTMENT OF JUSTICE.

Received April 5, 1879.

Dated " 3, 1879.

From L Lea

U S. Attorney.

SUBJECT.

Requesting copy of letter written by his asst U S. Atty. rel. to prosecution of Kempe bounty-manufacturers.

ACTION.

Ans. April 8, 1879

2

1

25

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE APR 5 1879

Jackson, April 2. 1879.

Sir,

I have the honor to thank you for having requested my assistant to show me your letter to him of the 24. instant.; & if there is any thing in the letter to which yours is an answer, that it concerns me in any way to see, you will oblige me further by causing a copy of it to be sent to me.

I fully concur in the opinion you express as to my duty in connection with the prosecution of the Kemper County malefactors.

Very respectfully,
L. Lea U.S. Atty.

The Attorney General,
Washington,
D. C.

252

So Dist. of Miss

225.

DEPARTMENT OF JUSTICE.

Received April 17, 1879

Dated " 14, 1879.

From Thos W. Hurst.

U S Marshal

SUBJECT.

Rel to the trial of the Kemper county cases.

ACTION.

Answd by letter & telegram April 19/79

253

OFFICE OF

United States Marshal

FOR THE

THOS. W. HUNT, MARSHAL.
WILL. EDWIN CAGE, DEP. MARSHAL } SOUTHERN DISTRICT OF MISSISSIPPI.

DEPARTMENT OF JUSTICE APR 1879

Jackson, April 14th 1879.

Hon Chas. Devens

Attorney General U.S.

Sir:

I take the liberty of enclosing you copies of two letters which explain themselves. They are from Mr Rosenbaum a staunch Republican and a personal friend of the Chisolms. & I refer for endorsemint to Mrs Chisolm} I hope it will not be considered officious in me to call attention to a matter which strictly speaking should come from the District Attorney; but a sincere desire to have the Department in possession of facts that seem to my mind to be important

254,

OFFICE OF

United States Marshal

FOR THE

SOUTHERN DISTRICT OF MISSISSIPPI.

THOS. W. HUNT, MARSHAL.
WILL. EDWIN CAGE, DEP. MARSHAL

Jackson, 187

must be my excuse for making such presentation.

Two weeks ago I was called from this place on an official tour, but before leaving had some conversation with District Atty Lea, on the subject of the Kemper County arrests, who requested me to hold up the Capias's until he might be able to communicate with the Department at Washington. At that time he thought it would be best to let the matter go over until fall. The reasons therefor that in the trial of the cases for murder in the State Court the prosecution had asked a continuance, and that if this Court {U.S.} should undertake in

OFFICE OF

United States Marshal

FOR THE

THOS. W. HUNT, MARSHAL.
WILL. EDWIN CAGE, DEP. MARSHAL.

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, 18[illegible]

May to try the cases, the plea of persecution would be raised, and the case might be imperilled thereby, and this Court failing to convict the State Court would be still less likely to so after that.

You will observe that it was deemed best by Mr Rosenbaum to postpone the State trial until September; and he advised it, so that it could not have been in the interest of the Defendants.

Upon my return I was informed by District Attorney Lea that he had not advised the Department that it would be best to still further postpone this trial,

OFFICE OF

United States Marshal

FOR THE

THOS. W. HUNT, MARSHAL.
WILL. EDWIN CAGE, DEP. MARSHAL } SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, 187

but gave no reasons. And he has also notified me in writing to proceed to execute the writs.

It has occured to me that possibly Judge Lea did not ful like taking the responsibility of advising any delay in this case, but as it is my opinion that such delay may work out a result that would be more likely to end in conviction I have thought that I would take the liberty without consulting him to advise the Department direct and to say in doing so that unless I hear by telegram, or otherwise to the contrary I propose to go in person next week to Kemper

257

OFFICE OF

United States Marshal

FOR THE

THOS. W. HUNT, MARSHAL.
WILL. EDWIN CAGE, DEP. MARSHAL } SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, 187

County to execute the writs now in my hands.
It is proper to state that Judge Ware the Assistant
District Atty advises the postponement until
November next.

I beg again to assure you that I mean no
disrespect to any official connected with the
Government in making this statement, but
my desire is to make such a representation
that steps may be taken to increase the chances
for conviction

Very Respectfully
Thos. W. Hunt
U.S. Marshal

258

(Copy)

DeKalb Miss March 10th 1879

Hon H R Hand

Jackson Miss

Dear Sir:

Yours received - Your judgement was good about not sending for the boys, as you say it would make sympathizers for them. The trials were continued at this term until the September term. Now I believe it a good idea to have these cases here tried first. I am doing all I can here. Myself, And the District Attorney had a good many of the witnesses in a room to ourselves each one by himself and the evidence is all OK.

Your Friend

C Rosenbaum.

(Copy)

DeKalb Miss March 13th 1879

Hon Luke Lea

Jackson Miss

Dear Sir:

Yours of the 9th received- I was under the impression I had answered it the next, but I guess I was mistaken.

1st The cases have been continued on our account. This is the first term the witnesses would testify. I mean outsiders that saw a good deal and we stand a better chance to convict next September. But at that term we are going to have everything ready. Woods of Meridian, Muck of Columbus and Watts of this place, are defending the murderers. Wood and Muck and their main defendants.

Yours Respectfully

L Rosenbaum

P.S.

I thought best for the U.S. Courts if they have indictments vs these men to hold off until after September what think you?

L.

Menu

Memorandum

Apl. 19. 1879.

Upon the request of the Attorney General I today saw Mr. Nicholson showing to him the communication from Marshal Hunt and stated that the information in the Dept as to the conduction of the prosecution in Ill Courts was not full but that some instruction in reply to Marshal seemed necessary at once. She stated that it was her wish and that she thought decidedly from her knowledge of the cases - that it was best to not bring the Ill. cases to trial until after the State had in Sept tried the cases pending in its Courts.

After this interview the Attorney General telegraphed Marshal to delay until his (Atty Gen'l) letter was received which was immediately written being dated Apl 19/79.

Geo Ch Gorham

So. Dist. of Miss

233.

DEPARTMENT OF JUSTICE.

Received April 21, 1879.

Dated " 13, 1879.

From C. H. Stiles

U. S. Comm't.

SUBJECT.

Receipt for $38.86.

ACTION.

Filed.

262

Port Gibson Miss April 13th 79

Received of Samuel Milliken
Disbursing clerk Department
of Justice draft for ($38 86) thirty
eight Dollar eighty six cents
for professional services in
taking depositions

C. H. Tittle
U. S. Comm'r

263

So. Dist. of Miss

240

DEPARTMENT OF JUSTICE.

Received April 26, 1879

Dated " 26, 1879

From Thos. W. Hunt,
U.S. Mar.

SUBJECT.

Asking rel. to executing warrants in Kemper Co Cases at this time.

ACTION.

Answd & Watt
W Miss. Apl. 26/79

147

247

CLXXI. JACKSON MISS. APL. XXVITH. HON. CHAS. DEVENS. WASHINGTON D.C.

229-3

266/

29-3457

N D.C. REFERRING TO YOUR LETTER OF NINETEENTH APRIL WHICH HASBEEN SUBI

EEN SUBMITTED WITH COPY OF MINE TO YOU OF FOURTEENTH TO DIST.ATTY.LA.I

Y.LA.I HAVE HIS VERBAL REPLY THAT HE IS STILL OF THE OPINION THA

N THAT THE KEMPER COUNTY CAPIAS SHOULD BE EXECUTED AND RETURNED T

E EXECUTED AND RETURNED TO THE MAY TERM PLEASE TELEGRAPH YOUR ORDER

XECUTED AND RETURNED TO THE MAY TERM PLEASE TELEGRAPH YOUR ORDER TO M

RDER TO ME [redacted] NG IT PEREMPTORY IF I AM NOT TO EXECUTE THE WRITS AT

O EXECUTE THE WRITS AT THIS TIME THEY ARE RETURNABLE MAY FIFTH. TH

ARE RETURNABLE MAY FIFTH. THOS..W..HUNT. U.S.MARSHAL. AITYSX COLLE

E MAY FIFTH. THOS..W..HUNT. U.S.MARSHAL. AITYSX COLLECT.N.GOVT.RATE.

No. Dist. of Miss

2390

DEPARTMENT OF JUSTICE.

Received April 28, 1879.

Dated " 27, 1879

From Luke Lea,

U.S. Atty.

SUBJECT.

Rel. to Kemper Co. cases

ACTION.

Answd, Apl 27/79

267/

Blank No. 1. 390 — 10 1/2 am

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.
Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages.
This message is an UNREPEATED MESSAGE and is delivered by request of the sender, under the conditions named above.

R. R. BREWER, Sec'y. NORVIN GREEN, President.

Dated Jackson Miss Apl 17 1879

Received at Cor. 15th and "F" Streets, Washington, D. C. 10 am

To The Attorney General

Washn D C

READ THE NOTICE AT THE TOP.

Judge Woods will be here in May, but not in November. I deem it very important that conspiracies shall be arraigned before him so that he may pass on validity of indictment which I had hemitted to his Court for that purpose and which I am confident affords only chance for conviction; seems to me preposterous to expect verdict of guilty from Kemper Jury; fear time will prove correctness of my judgment as to arraignment;

268/

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.

Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages.

This message is an UNREPEATED MESSAGE and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Sec'y. NORVIN GREEN, President.

Dated _____ 187

Received at Cor. 15th and "F" Streets, Washington, D. C.

To 2 atty Gen'l

but in deference to others,
will acquiesce in omission by
Marshal to serve warrants.

L Lea
U.S Atty

99 collgh mwn

269

READ THE NOTICE AT THE TOP.

So. Dist. of Miss.

DEPARTMENT OF JUSTICE.

247

Received May 2, 1879.

Dated April 29, 1879.

From Luke Lea,
U.S. Atty.

SUBJECT.

Explanation rel. to Kemper Co. Cases.

ACTION.

File

(A)

270

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE MAY 2 1879

Jackson, April 29 1879.

Sir,

I have the honor to inform you that Marshal Hunt has submitted to me your letter to him of the 19. inst., together with a copy of the letter from him, to which yours is an answer.

I thank you for requesting the marshal to lay your letter before me; otherwise, I would not have been favored with a copy of his letter to you. I regret that the Marshal should have been induced to write such a letter, unjust as well to himself as to me. I might well be pardoned for commenting on it with some severity; but I forbear, feeling that I can safely leave it to be judged of by you according to the prompting of your own sense of official propriety.

It contained the first intimation to me, that either he or my assistant was under the impression that I was in favor of putting off the arrest of the Kemper County Conspirators until after the fall term of the Circuit Court for that County. They have somehow misunderstood

271

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, _____ 187

me, as may be inferred from my answer to your telegram of the 26. inst., which gave, succinctly, some of the reasons why I have deemed it expedient that the warrants in the hands of the Marshal should be served in time for the arraignment of the parties at the May term of Court. To my mind, the fact that the prosecution procured a continuance of the cases in the State Court against the Kemper County Apaches, affords no encouragement to hope that they will ever be convicted by a Kemper County jury. Nor can I agree with Mr. Rosenbaum, that there will be a "better chance" to convict in September than there was in March, believing as I do, that there is really no chance at all. Nine times out of ten, lapse of time, especially in capital cases, inures to the benefit of the defendants, & I see no good reason to suppose that the Kemper Cases will be exceptions to the general rule. The most favorable result to be reasonably expected from a trial of these cases is, that the juries will hang, not the criminals.

272

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, _____ 187

Two years ago to day, the Kemper County Massacre was committed. The perpetrators of the atrocious crime have not been punished, nor is there any probability that they ever will be, unless the indictment against them now pending in the U.S. Court, can be made available for that purpose. Whether it can be or not, remains to be seen. You are aware of my serious apprehension that it will not be sustained by the Court. But the law charges me with the duty, & responsibility as well, of prosecuting the indictment, & while I would not be waiting in respect for the State authorities, it is proper, I think, for me to look mainly to the rights & dignity of the United States in the premises. Hence my repugnance to seeing the process in the hands of the Marshal paralysed by a regard for what the Kemper Court may or may not do at some future time.

My telegram of the 26. inst. in answer to yours of that date, taken in connection with what is here said, will sufficiently explain to you my reasons for requesting the Marshal, 19 days

273

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, _____ 187

also, to serve the warrants without further delay. The same reasons constrained me to say to him, on reading your letter of the 19th above referred to, that, in my opinion, it was his duty under the law, to obey the command of the writs in his hands: And on yesterday, after receiving your dispatch of the 27th, I informed him that, if he thought there was time for the execution of the warrants, it was still my opinion, that he ought to serve them, stating also, that if he thought the time too short, I would not object to his omission to serve them. Being thus advised, he left here last evening for Kemper County, with a competent deputy, for the purpose of executing the warrants, & I am pleased to believe that he will discharge his duty in that behalf efficiently & well.

Very respectfully,
L. Lea, U.S. Atty.

Hon. Charles Devens,
Attorney General, U.S.
Washington,
D. C.

274/

So. Dist. of Miss.

266

DEPARTMENT OF JUSTICE.

Received May 5, 1879.

Dated April 30, 1879.

From Luke Lea,

U.S. Atty.

SUBJECT.

Asking information and advice to guide him in Kemper Co. Cases.

ACTION.

Ans May 7, 1879.

225

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE MAY 5 1879

Jackson, April 30 1879.

Sir,

I have the honor to inquire whether you can give me any information as to when a decision may be expected in the case involving the constitutionality of Section 5519, R.S., which I am advised went up from the Western District of Tennessee on a certificate of division of opinion between Judges Baxter & Trigg. I anticipate that a motion will be made at an early day in the term of court now at hand, to quash the indictment against the Kemper County conspirators, on the ground that the Statute under which it was found, the section referred to, is unconstitutional; & my inquiry is made in the hope that the information you may give will be useful in preventing prematurely adverse action on the motion. And if you should find it convenient to favor me with any suggestions touching the matter, they will be thankfully received.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington, D.C.

276

4th Dist. of Miss.

252

DEPARTMENT OF JUSTICE.

Received May 5, 1879

Dated April 29, 1879

From E. A. Stiles,
U.S. Comm.

SUBJECT.

Receipt of draft for $114.50 for professional services.

ACTION.

John

227

Port Gibson April 29th 79

Recd of Jarrit Milliken Disbursing
Clerk Department of Justice
the sum of fourteen dollars &
fifty cents due me for services as
Commissioner in taking deposi-
tions.

E. H. Stiles
U. S. Commr.

278

So. Dist. of Miss.

276

DEPARTMENT OF JUSTICE.

Received May 19, 1879.

Dated " 13, 1879.

From L. Lea

U S Attorney.

SUBJECT.

Rel. to the motions to quash the Kemper County cases

ACTION.

File

279

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI.

DEPARTMENT OF JUSTICE
MAY 19 1879

Jackson, May 13. 1879.

Sir,

I have the honor to report that a motion to quash the indictment in the Kemper County case was this day argued before Judges Woods & Hill, & taken under advisement until the next term of the Court. Both Judges were of the opinion that Sec. 5519, R.S. is unconstitutional, & the indictment would have been quashed had I not urged that such action would be premature in view of the fact that a case was pending in the Supreme Court involving the constitutionality of said Section, which would probably be decided at an early day in the October term of said Court, & the decision in which would definitively settle the question.

Very Respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington
D. C.

Ss Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received May 19, 1879.

Dated " 14, 1879.

From S. J. Bastedo.
Collector.

SUBJECT.

Rel to the refusal of Steamboat officers to carry colored emigrants

ACTION.

Ans. May 23, 1879
18-306

254

Custom House, Natchez, Miss.,

Collector's Office, May 14th 1879.

DEPARTMENT OF JUSTICE MAY 19 1879

Sir

Colored Emigrant are constantly complaining to me that Steamboat Officers refuse to carry them, even after they tender them the amount of passage money demanded.

I would most respectfully enquire if there ~~has~~ is any law of Congress that would make them liable for so Refusing or whether any law under which the Emigrant can obtain Redress

Very Respectfully
E J Lecastello
Collector

To Hon L C Downs
Atty General

So. Dist. of Miss.

276

DEPARTMENT OF JUSTICE.

Received May 19, 1879.

Dated " 15, 1879.

From L. Lea

U. S. Attorney.

SUBJECT.

Receipt of letter rel. to place for confinement of U.S. prisoners

ACTION.

Acct Dft

283

So Dist. of Miss.

289.

DEPARTMENT OF JUSTICE.

Received May 29, 1879

Dated " 20, 1879

From Wm French

SUBJECT.

Receipt for $5.00/100.

ACTION.

Filed.

POSTAL CARD

WRITE THE ADDRESS ON THIS SIDE—THE MESSAGE ON THE OTHER

U.S. POSTAGE ONE CENT

Saml. Mulliken Esqr
Department of Justice
Washington
D.C.

285/

V. Burg Mississippi
May 20th 1879.

Dear Sir
The check for Five Dollars
in the Case of Kellogg Vs the States
is to hand.

Yours
Wm French

So Dist. of Miss

289.

DEPARTMENT OF JUSTICE.

Received May 29, 1879

Dated " 30, 1879

From Baz Lindsay.
U S. Comm.

SUBJECT.

Receipt for $ 52.58

ACTION.

Filed.

286

POSTAL CARD

VICKSBURG MAY 20 MISS.

U.S. POSTAL ONE CENT

WRITE THE ADDRESS ON THIS SIDE—THE MESSAGE ON THE OTHER

Same Muldoon Esq
Disbursing Clerk
Dept. Justice
Washington City
D C

287

Washington, D.C. May 20/39

Check for $52.50 on St Louis
for my fee in Case No 3229
in Court of Claims so rec'd
The Case is Seth W. Kelly ET
vs The U.S.

Respy
Ray Lindsay
W.S. Comm

So Dist. of Miss

2296

DEPARTMENT OF JUSTICE.

Received June 5, 1879.

Dated May 23, 1879.

From L. B. Sinclery.

SUBJECT.

Rest to the condition of certain tribe of Choctaw Indians.

ACTION.

Circ. A. & ref. Sec. Int. June 6, 79

288

So. Dist. of Miss.

296.

DEPARTMENT OF JUSTICE.

Received June 5, 1879.

Dated " 2, 1879

From Jo. Shea

U. S. Attorney.

SUBJECT.

Rel. to the return of papers & books in cases against Moyers and Hedrick

ACTION.

289

Office of

UNITED STATES ATTORNEY,

SOUTHERN DISTRICT OF MISSISSIPPI.

DEPARTMENT OF JUSTICE
JUN 1879

Jackson, June 2. 1879.

Sir,

In answer to your letter of the 28th inst, I have the honor to inform you that I have this day deposited in the post office here, three packages, addressed to the Commissioner of Pensions, containing the books & papers heretofore sent to me, relative to the prosecution against Moyers & Dedrick.

Very Respectfully,
L. Lea, U.S. Atty.

The Attorney General
Washington,
D. C.

290

So Dist. of Miss

30

DEPARTMENT OF JUSTICE.

Received July 2 , *1879.*

Dated June 29, *1879.*

From Ho. Hea

U S Attorney.

SUBJECT.

Rel. to institution of proceedings against certain persons for depredations upon public lands.

ACTION.

Ans. July 2. 1879.

Mr Dutton

Gen

291

Office of

UNITED STATES ATTORNEY.

Southern District of Mississippi.

DEPT OF JUSTICE JUL 2 1879

Jackson, June 29. 1879.

Sir,

I have had the honor to receive several letters from you recently, instructing me conditionally to institute criminal prosecutions against certain persons for alleged violations of law in cutting & removing timber from public lands of the U.States in this district.

Anxious to carry out your instructions in this matter, I respectfully request that you favor me with a reference to the Statute or Statutes under which it is contemplated that these prosecutions are to be instituted.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received July 7, 1879.

Dated 5, 1879.

From Thos H. Hunt.

U S Marshal

SUBJECT.

Telegram requesting instructions as to seizure of certain logs

ACTION.

Ans. July 7, '79 (telegram).

Genl

293

Blank No. 1 1932 338

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.
Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmitting or delivery of Unrepeated Messages.
This message is an UNREPEATED MESSAGE and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Sec'y. NORVIN GREEN, President.

Dated Jackson Miss July 5 1879

Received at Cor. 15th and "F" Streets, Washington, D. C. 228

To Hon Chas Devens

READ THE NOTICE AT THE TOP.

Atty Genl WDC

Have in my keeping Cotton
seized by United States in
need of action of Congress
am I to discharge Keepers
and release property have also
process for arrest of violators
of revenue laws very bad
cases - What shall I do
with them and similar cases

Thos. W. Hunt
U S Marshal

58 Coll GR Box

2941

So. Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received July 10, 1879.

Dated " 6, 1879.

From U. S. Atty

SUBJECT.

Rel. to the sale by
A. S. Cattlake, late
Special Agent to Dr
Keen of certain logs.
&c.

ACTION.

To Secy Int. July 10/79.
Secy's letter

295

So Dist. of Miss.

47

DEPARTMENT OF JUSTICE.

Received July 14, 1879.

Dated " 10, 1879.

From Jo. Lea

U S. Attorney

SUBJECT.

Rel to the compromise
of cases against Pointevent
and Favre & Henry Nelson

ACTION.

To Secy Int., July 14/79.

296

So Dist. of Miss.

U-S.

DEPARTMENT OF JUSTICE.

Received July 25, 1879.

Dated " 22, 1879.

From H. R. Hare.

Asst U. S. Atty.

SUBJECT.

Rel. to the reduction of his salary.

ACTION.

Mailed & Sent Downs York Me July 27/79
and Aug. 28, 1879

297

Office of

United States Attorney,

Southern District of Mississippi.

DEPT OF JUSTICE 25 1879

Jackson, July 22nd 1879.

Sir.

May I ask you will pardon this liberty I take in writing you somewhat out of the channels of Official Correspondence, in reply to your very Courteous letter Reducing My Salary from 1000 to 600 per annum. Simply to see the force of the Reason for the Reduction, Simply Known that per annum Household Life must be endured. When it is a Necessity. Yet I trust you will not Regard me intrusive of Matters which you of Course Compel me implicitly to keep. I Say that this Small Reduction at most would Regard is Simply Crushing to me. After the Reduction of My Salary to 1000 last year naturally thinking that it Could not face Long I bought an humble home to be paid for from my Quarterly Receipts from the Government had no other means of meeting these, that Home now half paid for. I Will be Compelled to forfeit by the Reduction of My Salary, the view of this alone I ask with Confidence if ill May Correspond with you officially that you will credit this Reduction officially to me for the present. A few days Suffice the Non Completion with this My Quarter Salary. Due June 30th could not be paid. If it Can be that you Can Recommend me to the Dept of Justice you will Confer a favor on me as ever yours very Sincerely

A. R. Howe.

298

So. Dist. of Miss.

DEPARTMENT OF JUSTICE.

Received July 25, 1879.

Dated " 25, 1879.

From L. Lea

U S. Attorney.

SUBJECT.

Rel. to examination of John Bostwick charged with procuring timber.

ACTION.

File.

299

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE
JUL 29 1879

Jackson, July 25. 1879.

Sir,

Having returned this morning from Mississippi City, where I went to attend the Examination of John Poitevent charged with procuring timber to be cut from public lands, I have the honor to report that the Examination took place the 23 inst. before Comr. L. L. Davis, & resulted in the discharge of the defendant, because the evidence failed to show that the cutting was by his procurement. It was the common case of a failure of witnesses to testify as they were expected to testify. Not one of them swore that Poitevent had any thing to do with the cutting, while several swore positively that he had not. The evidence, however, established the guilt of some other parties, & one or more of these would have been arrested had not apprehensions of yellow fever & quarantine admonished Special Agent Irwin & myself that it would not be prudent for us to remain longer on the Coast.

Very Respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Aug 1, 1879.

Dated July 29, 1879.

From Jno Lees

Us S Attorney

SUBJECT.

Requesting leave of absence

ACTION.

Ans. Aug 1/79.

301

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE AUG 1 1879

Jackson, July 29. 1879.

Sir,

I have the honor to ask for leave of absence from my district for sixty days commencing about the 5. of August. There will be no court here before November, & I do not apprehend that my absence for the time mentioned, will result in any injury to the public interest. It is possible I may conclude to take part in the prosecution of the Kemper County assassins, & in that event I will return to the district in September.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

302

So Dist. of Miss

72. DEPARTMENT OF JUSTICE:

Received Aug 8, 1879.

Dated " 4, 1879.

From H. R. Hare

Asst U.S. Atty.

SUBJECT.

No. 803 - Oct Tr 79

Rel to recognizance of U.S. vs F. S. Hawk et al, reduction of his salary, &c.

ACTION.

Mr Smith

(see indorsement of atty Gen thereon)

Dec. Sept. 23. 1879.

303

Nor Smith will
please remember me
also my Love to her boys we
shall be glad of his visit

C. D

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT AUG 8 1879 JUSTICE

Jackson, August 8th 1879

Sir

I have the honor to formally Express to you to the Clerk of the Supreme Court of the United States the Record in the Case of the United States vs. D. D. Hunt et als. appealed at the May Term of our Circuit Court. I have endeavored to see that the same is both full and Correct, but would be glad if you would have the Case carefully examined, in time that any Omissions may be supplied or Corrections Made, before the Meeting of the Supreme Court.

I have no Counsel Cheques at Bills of Cost which will be promptly forwarded if desired, but knowing the Customs or Wishes of your Department in that Regard, I hesitate to forward same & sending it without your instruction.

May I be allowed, without being Regarded impertinent, to Refer in this Connection to my Letter written July last in Regard to the Reduction of My Salary and to Call to Mind that at Late Reg. Services as Assistant District Attorney Cannot be

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 187

Regarded altogether Clerical duties. Take this Short
Cut which each for years has had my Cancelled connect-
ed with the Dist Atty. being debarred from living
front. in the S. Sup Court Attorneys fee for the services.
I have Rendered would not be Regarded Same would
difficult. And still as you know there have been other
Cuts of for years Wrong which have brought
upon me the bitterest execrations for doing what
I Regarded only my Duty but doing that Duty faithfully.
Even if it is true in all of these efforts my failure to accom-
plish anything has been complete. But I have faith
in that you Credit as you are. Free from the failure
is the fault of mine. I do not mean to Claim anything
for simply doing my Duty and Defying a Misguided Combi-
nation. But it has impressed me. that in Reducing
my Salary from one Thousand Dollars pro rata, & relatively
you may not have considered the Duties I have been called
upon to perform. Some what different pro rata from other
Districts. I trust at least you may pardon my Liberty
in intruding again this Request upon you.

Hon. Chas. Devens. Yours very Respectfully
Your Obedt Svt
A. R. Hall
Asst U.S. Atty.

Attorney General
Washington, D.C.

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received Aug 13, 1879.

Dated 12, 1879.

From Mrs H. H. Chisolm

SUBJECT.

Requesting leave of absence for Asst U.S. Attorney Hare

ACTION.

Leave granted
Aug 13' 79

306

Washington D.C.
Aug. 12. 1878

Hon Charles Devens.
The State
County convenes at
De Kalb. Kemper Co.
Miss. September 1st.
Knowing the vain
efforts I have made to
secure Attorneys Judge Ware
& Jackson. has conferred
with some friends who
desire the success of
the prosecution, and
has enclosed if you
will grant him the
necessary leave of
absence he will hold
himself in readiness
to go. if it proves the
best thing to do.

307

in view to this end,
in writing to me he
suggested, that I
request of you to grant
him his formal
"leave" including the
first two weeks of
September. Trusting
Sir, you will be
willing to do this at
once, the time being
so near; I remain
Very Respectfully,
Mrs. W. W. Thrasher.

So Dist. of Miss.

178

DEPARTMENT OF JUSTICE.

Received Nov 22, 1879.

Dated " , 1879.

From L. Lea

U S Atty

SUBJECT.

Telegram requesting instructions rel to the compromise of cases of D T Griffin & Bro. & J. N. Griffin & Bro.

ACTION.

Tel to See Int Nov. 22. 1879.

" Answer Nov 22. 1879

205

Blank No. 1. 186 #08

THE WESTERN UNION TELEGRAPH COMPANY.

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This message is an UNREPEATED MESSAGE and is delivered by request of the sender, under the conditions named above.

A. R. BREWER, Sec'y. 443 NY NORVIN GREEN, President.

Dated Jackson Miss Nov 22 187 7

Received at 108

To The Attorney General
Washn D C

READ THE NOTICE AT THE TOP.

Two hundred & fifty dollars
offered in compromise of cases
against E. F. Griffin and
Co and J W Griffin
& Co set for trial
next tuesday, Government and defendant
to pay their respective costs.
Special agent interior dept not
opposed to compromise but wishes
me to dispose of cases
as I think best. No
hope of recovery except for 309

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. NORVIN GREEN, President.

READ THE NOTICE AT THE TOP.

Dated 187

Received at

To 2

Small portion log and any recovery at all very doubtful. My opinion is trial would result in heavy accumulation of expense with no benefit to Government. Please advise me at once what course to pursue

L. Lea
U.S. Atty.
2

106 Collect
GR Bux

210

Department of Justice,

(TELEGRAM,)

Washington, D. C., Nov 22, 1879

From

To Hon Carl Schurz
Secretary

I have just received the following telegram which I transmit for your information & such action as you may deem best.

Chas Devens
Attorney General

311

Department of Justice,

(TELEGRAM,)

Washington, D. C., Nov 22. #, 1879.

From Department of the Int.

To Hon Charles Devens

Attorney General

Telegram transmission of telegram from U.S. Attorney Lea of this date in relation to the settlement of the Griffin V Los cases received.

After an examination of the latest reports of our Special Agent in relation to said cases

312

Department of Justice,

(TELEGRAM,)

Washington, D. C., ..., 187 .

From 2

To .....

I think it would be for the best interest of the Government to settle the same on the terms proposed and have the honor to recommend settlements accordingly.

C. Schurz
Secretary.

313

So. Dist. of Miss

2/3.

DEPARTMENT OF JUSTICE.

Received Dec 26, 1879

Dated " 23, 1879.

From Jo Howe

U. S. Atty.

SUBJECT.

Receipt of letter of 11th inst.

ACTION.

file

314/

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE
DEC 26 1879
10

Jackson, Dec. 23. 1879.

Sir,

I have the honor to acknowledge the receipt of your letter of the 11. inst., together with the accompanying papers. My late absence from Jackson for several days, has delayed this acknowledgement. I will take the necessary steps for the arrest of Spiers as soon as it can be judiciously done.

Very respectfully,

L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

315

S. Dist. of Miss.

2/3.

DEPARTMENT OF JUSTICE.

Received Dec 26, 1879.

Dated 23, 1879.

From J. W. Stone

SUBJECT.

Receipt of letter of the 20th inst. &c.

ACTION.

file

316

State of Mississippi

Executive Department.

DEPARTMENT OF JUSTICE DEC 26 1879

Jackson, Miss. Dec. 23 1879.

Hon. Chas Devens,
Attorney General
Washington D.C.

Sir:

Your letter of the 20th inst. referring to a letter inadvertantly sent me the day before, has been received, but the letter referred to has not yet come to hand.

When Mr. Lyon arrives he shall have my attention, and any assistance I can give him will be cheerfully rendered.

I have the honor to be
Very respectfully Your Obt. Svt
J. M. Stone.

317

S. D. Dist. of Miss.

237

DEPARTMENT OF JUSTICE.

Received January 17, 1880

Dated " 14, 1880

From R. B. Avery

U. S. Sol. Agt.

SUBJECT.

Ref. to bill for relief of Robert Irwin of Georgia

ACTION.

Sec. Treas. Jan. 17/80.

31

DEPARTMENT OF JAN 17 1880 JUSTICE

Bay St. Louis. Hancock Co. Miss.
Jan. 14th, 1880.

Hon. Chas. Devens.
Atty General:

Dear Sir:— On page 10. Cong. Record. of January 10. 1880. I notice some action in regard to a bill for the relief of Robert Erwin, of Savannah. Ga. By reading the same over carefully I am led to remember that this is a case called to my attention while investigating some claims pending before the Southern Claims Commission at Savannah. Ga. last summer. The information I then received led me to believe this claim was a fraud, such, as I was informed the money had already reached the hands of Robt. Erwin I made no reference to the case in my reports to the Hon. Comrs of Claims. As it appears. the money is still in the Treasury of the United States. I respectfully call your attention to the facts— or information, as I remember it, as given me then.

The claim is for Cotton seized by the Government of the United States, when Gen. Sherman captured Savannah. As told to me. Hardee & Erwin were partners in the Commission business. Hardee was the

319/

Agent of the Confederate Government, and had in store, as such agent, a large amount of Government Cotton. Either this Cotton had not been marked with the C. S. A. mark or the mark was erased, and it was claimed as ~~Confederate Cotton~~ individual cotton, by Hardee & Erwin. My understanding is that neither was loyal to the Government of the United States, and that Hardee never pretended to be. The proceedings in Congress, Jan. 9th, 1880, tells how Robert Erwin became possessed of the claim in his own name.

My information was mainly received from relatives of Robt. Erwin. I was not so careful in my inquiries as I should have been had I been investigating the claim, nor as I should have been had I not understood the money had been then paid to Erwin; but there was no shadow of doubt in my mind that the cotton for which this claim was made was cotton belonging to the Confederate Government, gathered in by its agent Hardee, and stored in the warehouse of Hardee & Erwin, Savannah, Ga.

I have no doubt the records of your office in regard to this claim will enable you to judge whether it is worth while now to attempt to prove the position taken by me in regard to it correct. I have no doubt that I am correct in the main in regard to it, and that, with diligence the facts can be proved. My understanding is the claim is a large one. Should you order the case investigated, any information I can give in regard to persons who spoke to me of it in confidence, will be given in the same way. That they may be interviewed, and see what they are willing to say under oath.

Very respectfully,
R. B. Avery,
U. S. Sp'l Agt

So. Dist. of Miss

244.

DEPARTMENT OF JUSTICE.

Received January 23, 1880

Dated " 16 1880

From L. Lea

U. S. Attorney.

SUBJECT.

Rel. to the case of Alex Spiers charged with cutting timber from public lands.

ACTION.

L. Sec. Int. Jan. 23, 1880.

Gen'l

320

For Mr Powell's

Book.

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE
JAN 23 1880

Jackson, Jan 16 1880.

Sir,

I have the honor to report that I returned this morning from Mississippi City, where I went at the request of Special Agent, Drum & Postlethwaite, of the Interior Department, to attend the examination of Alex. Spiers, charged, by affidavit of Postlethwaite, with having unlawfully cut & procured to be cut, a large quantity of timber from public land in Hancock County, Miss.; that the examination, after some vexatious delays, was closed on Wednesday the 14 inst., & that it resulted in the defendant being put under bond of $500 for his appearance at Court.

Spiers has the reputation of being an old offender, long engaged in depredating on the public land, & I had been lead to suppose that the evidence against him would be full & conclusive. But such was not the case. The evidence adduced was so meager & unsatisfactory that it was with no little difficulty the Court was induced to put the defendant under bond. That he did so was a surprise to the defendant & his friends, a number of whom were present. His counsel had assured him & them that he would un-

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 18....

doubtedly be discharged. Unless additional & stronger evidence can be procured, I doubt the propriety or expediency of proceeding further with the prosecution. The action already taken, I am gratified to believe, will have a salutary effect.

Very respectfully

L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

So. Dist. of Miss.

285

DEPARTMENT OF JUSTICE.

Received Feb 24 1880.

Dated " 21, 1880

From U S Atty.

SUBJECT.

Rel to damage done by the Steamboat Kick Kyle to fleet of boats in the harbor of Vicksburg.

ACTION.

To Sec. War Feb 24, 1880

313

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE FEB 24 1890

Jackson, Feb. 21 1887.

Sir,

In your letter of the 16. ult., inclosing copy of letter to you from the Secretary of War & of letter to Brig. Genl. H.G. Wright, Chief of Engineers, U.S.A. from Major W.H.H. Benyaurd, with Genl. Wright's endorsement thereon, all relating to the damage done by the Steamboat Will Kyle to the fleet of boats engaged upon the work of improving the harbor of Vicksburg, you instructed me to put myself in communication with Major Benyaurd & obtain a full Statement of the case, & if it appeared to me that the Evidence would sustain an action, to institute proceedings against the boat & its owners, to recover the damages suffered by the United States.

Having obtained from Major Benyaurd & his assistant, F.G. Dabney, a full statement of the facts, & having carefully considered the case, my conclusion is, that it does not come within the provisions of the 3. Sec. of the act of Aug. 14. 1876, to which, in this connection,

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, _____ 18____

Genl. Wright has referred. So much of that section as may be supposed to have any bearing on the case is in these words: "Any person who shall wilfully & unlawfully injure any pier, breakwater, or other work of the United States for the improvement of rivers or harbors or navigation in the United States, shall, on conviction thereof, be punished by a fine not exceeding one thousand dollars." This being a penal Statute & therefore to be construed strictly, it may be doubted whether the damage to the fleet of boats was an injury to a work of the United States, within the meaning of the Statute. Be that as it may, the Statute provides only for a criminal proceeding, & such proceeding, in this case, could be instituted in Louisiana only, as the offense was committed in that State.

Moreover, there is no evidence that the injury complained of was wilfully done. On the contrary, all the facts go to show that it was the result of accident, caused by negligence & mismanagement on

325

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, _____ 18__

the part of those in charge of the Steamboat.
The owners of the Steamboat are residents of the State of Ohio, & therefore not suable in this district. Considering the premises, you will perceive, I think, that a suit in admiralty against the boat, & interveners, was the only one I could properly institute.
This I have done by filing a libel in rem, laying the damages at $800.00. A writ of attachment is in the hands of the Marshal, & will doubtless be executed when the Steamboat returns to Vicksburg.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

326,

S. Dist. of Miss.

284

DEPARTMENT OF JUSTICE.

Received Feb 25, 1880.

Dated " 22, 1880

From U S Attorney

SUBJECT.

Rel to alleged depredations on public land by W. Bowell Sr & Henry Bowell

ACTION.

Ans Secy Dept Feb 25, 1880

327

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE FEB 23 1880

Jackson, Feb. 22 1880.

Sir,

I have the honor to acknowledge the receipt of your letter of the 22 Ult., inclosing copy of letter from W. Howell Jr. to the Commissioner of the General Land Office, relating to alleged depredations on public land by W. Howell Snr. & Henry Howell, & instructing me to make inquiry into the matter, etc.

On receipt of your letter I went to the Land Office here for the purpose of ascertaining whether the land designated in Mr. Howell's letter was public or not. Finding it to be public, I shortly thereafter wrote to W. D. Postlethwaite, Special Agent of the General Land Office, requesting him to investigate the matter thoroughly & report to me the facts. I have not yet received Mr. Postlethwaite's report, but am expecting it daily, as the land referred to is not more than about thirty miles from Mississippi City, where he resides.

It is probable that the charge made by Howell against his relatives is true, but I am informed by the representative in the Legislature of the county in which they

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, _____ 18__

reside, that there is a violent family feud among them, & I am inclined to suspect that the letter was written more to gratify vindictive feeling than to promote the interest of the Government.

If Mr. Postlethwaite's report shows that the alleged trespasses have been committed, I will file a criminal information against the guilty parties at the May term of Court. A suit for damages would not be expedient, as the Howells are pecuniarly irresponsible.

Very respectfully
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

329

So Dist. of Miss

299

DEPARTMENT OF JUSTICE.

Received March 8, 1880

Dated March 4, 1880

From L Lea

U.S. atty

SUBJECT.

Encloses letter from Chas A Meuseker rel certain logs.

ACTION.

To Sec Int Mar 8, 1880

3301

So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received March 11, 1880.

Dated " 8, 1880.

From L. Lea

U.S. atty

SUBJECT.

Transmits letter from Chas. A. Wuescher rel timber depredations

ACTION.

To Secy Int Mch 13. 1880.

331

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE MAR 11 1880

Jackson, March 8. 1880.

Sir,

I transmitted to you on the 4. inst. a letter to me from Ch^s. A. Wuescher, U.S. dep. Marshal, & I have now the honor to transmit another letter from Mr. Wuescher. It is difficult to give full credence to his statements without imputing delinquency to Mr. Postlethwaite, Special Agent of the General Land Office. Perhaps Mr. Wuescher is of the opinion that he would make a more efficient agent in suppressing timber depredations than Mr. Postlethwaite.

Very respectfully,
L. Lea. U.S. Atty.

The Attorney General,
Washington,
D. C.

332

So. Dist. of Miss.

37

DEPARTMENT OF JUSTICE.

Received April 9, 1880.

Dated " 5, 1880

From Ho. Hea.

U. S. Attorney.

SUBJECT.

Enclosing letter rel. to the sale of certain lands.

ACTION.

To Sec. Int. Apr. 9, 1880.

Genl

339

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE
APR 9 1880

Jackson, April 5. 1880

Sir,

I have the honor to inclose herewith copy of letter from me to Chs. A. Wuescher, dep. U.S. Marshal, dated 30. ult., & also his answer thereto, together with the letter from Geo. W. Holleman accompanying the same.

Mr. Wuescher's letter confirms me in the opinion I have entertained from the first, that the logs referred to ought to have been sold where they were when surrendered to the agent of the Interior Department, & with as little delay as possible. Mr. W. is intelligent, energetic & honest, & I believe it would be well to instruct him to dispose of these logs outright for the best price he can get.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

334

S.s. Dist. of Ills

49

DEPARTMENT OF JUSTICE.

Received April 17 1876

Dated " 15, 1876

From Thos H Hunt.

U.S. Marshal

SUBJECT.

Report as to the treatment of U.S. Convicts.

ACTION.

Mr Newcomb

File

N

2.

335

L.

OFFICE OF

United States Marshal

FOR THE

SOUTHERN DISTRICT OF MISSISSIPPI.

DEPARTMENT OF JUSTICE APR 17 1880

THOS. W. HUNT, MARSHAL.
WILL. EDWIN CAGE, DEP. MARSHAL

Jackson, April 15th 1880

Hon. Chas Devens

U. S. Attorney General.

Sir:

I respectfully beg leave to reply to your letter relative to the Penitentiary of this State. It would first state by way of apology for seeming procrastination, that I could not have answered sooner, with the degree of correctness I desired, for the reason principally that I have been awaiting the result of Legislative proceedings on this subject.

The Penitentiary, the main buildings of which are situated in Jackson Miss, is now in the hands of Lessees, having been leased from the State about four years ago, for the period of five years, the Lessees

OFFICE OF

United States Marshal

FOR THE

THOS. W. HUNT, MARSHAL.
WILL. EDWIN CAGE, DEP. MARSHAL

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, 187

paying to the State the sum of $1.10 per month for each convict. At the expiration of the present lease it will again be leased and to the highest bidder as per recent Legislation.

There are now (997) Nine hundred and Ninety Seven convicts under sentence; The buildings furnish accommodation for about three hundred only. There are at present only about one hundred and fifty in the Walls; the others are hired to Planters on the Mississippi river, and other parts of the State. As to their treatment on these places I am informed that they are worked severely from daylight until dark, and oftentimes cruelly punished for trivial offences. Their food within the Walls I learn is as good as is usually

337

furnished in such places, in this section of the country. The cells are damp and in my opinion only moderately comfortable; their cleanliness is fair. The mode of punishment is the "Day Cell" & "Pulling in Stocks". both of which are very cruel. They are worked about ten hours a day in blacksmith, wagon, plow, shoe, Tin and paint shops, and in fact general manufacturing is done there.

They have no facilities for education at night or during the week; Sunday School and religious services are held on Sunday within the walls. My information and belief is, that those on plantations have no educational or religious advantages at all. A Hospital is connected with the institution within the main Walls. The mortality for the past two years has been very great.

OFFICE OF

United States Marshal

FOR THE

SOUTHERN DISTRICT OF MISSISSIPPI.

THOS. W. HUNT, MARSHAL.
WILL. EDWIN CAGE, DEP. MARSHAL

Jackson, 187

Total number of deaths from all causes, One hundred and Eighty Seven. The number of escapes is also alarming. Total number escaped within past two years One hundred and Seventy-.

As you request it, I will proceed to give my opinion as to whether the circumstances are such as call for the designation of this Prison, or one outside of the State for the confinement of Persons convicted in this District and sentenced for more than one year.

In view of the fact that the Penitentiary here does not partake of a reformatory character at all, and that we are here subject to yellow fever epidemics when the prisoners must necessarily be removed for safety to camps in the country (Creating an additional expense

OFFICE OF

United States Marshal

FOR THE

THOS. W. HUNT, MARSHAL.
WILL. EDWIN CAGE, DEP. MARSHAL

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, 187

to the Government as the Lessee informs me) besides taking further escape risks, and all the other facts connected herewith, I do not think it expedient that this Penitentiary should be designated for the purpose mentioned in your letter. But that all things taken into consideration the facts and circumstances plainly suggest that some other prison should for the present at least be designated. And I will say further that my views have been submitted to the Hon. Robt. A. Hill Judge of the District Court, And he authorizes me to say that he acquiesces fully therein. and is absolutely opposed to the confinement of Federal prisoners here. Such are also the views of the District Attorney.

340

OFFICE OF

United States Marshal

FOR THE

THOS. W. HUNT, MARSHAL.
WILL. EDWIN CAGE, DEP. MARSHAL.

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, 187

I send you herewith the last report of the Supts which will give you any statistics you which wish I find it utterly impossible to obtain any newspaper accounts either pro or con upon the subject

Trusting I have answered as fully as you desired, I am Sir

Yours Most Obedient

Thos. W. Hunt

United States Marshal

For Southern District Mississippi

341

59 So Dist. of Maine

DEPARTMENT OF JUSTICE.

Received April 25, 1880.

Dated " 26, 1880.

From Chas A Wescher
Spl, Agent

SUBJECT.

Rel timber trespassers
ve.

ACTION.

Ans April 26 1880
gene

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Blank No. 1. 715-940

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. 12 N.O. NORVIN GREEN, President.

Dated Mississippi City Miss 25 Apl 1880.

Received at Cor. 15th and "F" Streets, Washington, D. C. 932 pm

To Hon Chas Devens
atty Gen Washn D.C.

READ THE NOTICE AT THE TOP.

Sir. Instructions of april
Twentieth recd. have
just returned from
Pearlings = River water high
and Logs coming down
fast they could not
be Seperated and arranged
now as Suggested
without Comparative great

343

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. NORVIN GREEN, President.

Dated _____ 1880.

Received at **Cor. 15th and "F" Streets, Washington, D. C.**

To 2 Desers

READ THE NOTICE AT THE TOP.

Expense nevertheless the surrendered loge Could be advertised and sold at public Sale if ordered to do so without delay nobody but the owners of same who know where the property is found purchase the loge I have reasons to fear that one of the parties will attempt to slip his loge through

344

Blank No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.
Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages.
This message is an UNREPEATED MESSAGE and is delivered by request of the sender, under the conditions named above.

A. R. BREWER, Sec'y. NORVIN GREEN, President.

Dated _____ 1880.

Received at Cor. 15th and "F" Streets, Washington, D. C.

To 3 Devens

if not closely watched if promptly advertised for Sale I doubt that he would dare do so.

Chas A. Wuescher
Spl agent

114 pair GR
GDr

345

READ THE NOTICE AT THE TOP.

So Dist. of Miss

61

DEPARTMENT OF JUSTICE.

Received April 27, 1880

Dated " 27, 1880

From Chas A. Wuescher
Special Agent

SUBJECT.

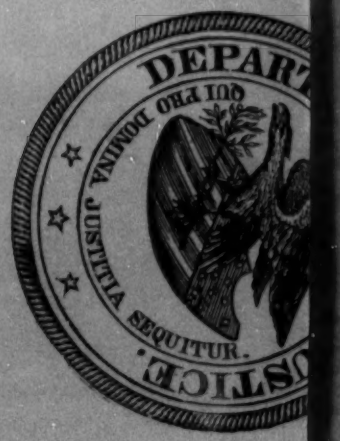
Rel advertisement and sale of certain logs

ACTION.

Copy to Dept of Int
Apl 28/ 1880

Genl

346



347

LV. GVT. BAY ST.LOUIS MISS APL XXVIITH. HON.CHS DEVENS. ATTY G

343

S. . ATTY GEN. WASHN. D. C. . AS INSTRUCTED BY YOUR MESSAGE OF TWENTY SIXT

TWENTY SIXTH INST THE LOGS REFERRED TO THEREIN WILL BE ADVERTISED AND

ISED AND OFFERED FOR SALE AT BAY ST. LOUIS IN FRONT OF THE COURT HOU

E COURT HOUSE ON TUESDAY MAY ELEVENTH NEXT. CHS.A..WUESCHER.SPL.AGE

Y MAY. ELEVENTH NEXT. CHS.A..WUESCHER.SPL.AGENT. XLVI.I COLLECT. GVT.

So Dist. of Miss.

3- DEPARTMENT OF JUSTICE.

Received May 8, 1880

Dated " " , 1880

From L. Lea

U S Attorney.

SUBJECT.

Telegram asking instructions rel. to the duties of his Assistant.

ACTION.

Ans May 8. 1880.

349

So. Dist. of Miss.

13 DEPARTMENT OF JUSTICE.

Received May 8, 1880

Dated " " , 1880

From L. Lea

U. S. Attorney.

SUBJECT.

Telegram asking instructions as to the duties of his Assistant.

ACTION.

Asst May 8. 1880.

349

Blank No. 1.

Sent 1778 1343

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.

Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages.

This message is an UNREPEATED MESSAGE and is delivered by request of the sender, under the conditions named above.

A. R. BREWER, Sec'y. 1335 NORVIN GREEN, President.

Dated Jackson Miss May 8 1880.

Received at Cor. 15th and "F" Streets, Washington, D. C. 140

To The atty Genl

Dear Sir

My associate agrees with myself & Gardner

that the grand jury touching

their duties & to

give them instruction Contrary

to those given by

Mr. Rhodes send me

a dispatch defining briefly

but explicitly our proper

relation. I ask this

in the interest of

public Justice & official

propriety L Q C Lamar U S Atty

62 collect GR am

READ THE NOTICE AT THE TOP.

So Dist. of Ills.

DEPARTMENT OF JUSTICE.

Received May 14, 1880

Dated " 10, 1880

From Ho Lea

U S Attorney

SUBJECT.

Receipt of telegram of 8th inst. &c.

ACTION.

file

351

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, May 10. 1880.

Sir,

I have the honor to acknowledge the receipt of your dispatch of the 8. inst. in answer to mine of the same date.

The Emergency which necessitated the sending of my dispatch was relieved by the discharge of the grand jury this morning, & as other matters of more pursent importance demand my attention, I will defer what I have to say on that subject until I shall not be so much crowded with business as I am now & will be for some time.

Very respectfully
L. Lea, U.S. Atty.

The Attorney General
Washington,
D. C.

So Dist. of Miss.

83.

DEPARTMENT OF JUSTICE.

Received May 18, 1880

Dated " 13, 1880

From Thos H. Blount.

U S Marshal

SUBJECT.

Rel. to his account
institution of civil
suit against him
&c.

ACTION.

Ans. May 18th 80

353

DEPARTMENT MAY 18 1880 JUSTICE

Office of U. S. Marshal.
Southern District Mississippi
Jackson May 13th 1880.

Hon. Chas Devins.
U. S. Attorney General.
Washington D.C.

Sir:

I have the honor to ask the indulgence of the Department of Justice in the matter of an explanation which involves my standing both as an Official and as an individual. In order to do so I will ask the privilege of stating the main facts and circumstances connected therewith; And I will specially request that the Attorney General give this matter his personal consideration and place me right before the President.

On the 30th of August 1878 Wm S. Hallen was employed and commissioned by me as one of the Deputies on the Sea Coast of this State, connected with the log and timber seizures, at a salary of

354

$2.50 per day. This service was considered extraordinary in its nature, and perdiem was allowed my representatives in their double capacity of Deputies and Keepers.

During the January Term of the Court 1879, at the request of Mr Walker, and after having telegraphed him to find out whether he could safely leave his post as Deputy & Keeper, I sent him a Capias to execute in an adjoining County. On the execution of this service he was engaged ten days, to wit, from the 1st to the 10th of Feby 1879 inclusive. He discussed with me the question whether he was entitled to his pay as Deputy and Keeper at $2.50 per day for the time just alluded to, as well as his expenses and fee for service for the execution of the Capias. He pressed me to allow both, and I declined to do so.

On the 28th of April following I caused him to be written to stating that "In regard to the deduction of time Feby 1st to 10th, I will say, that I will put the"

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"account ing for that time and if it is allowed,
" or balance of 35th will be due you, but I
" fear they will disallow it, as the accounts
" show you were absent procuring a writ
" Captias against Eaton."

On May 6th a letter was received from Mr Hatter dated May 2nd 1879 addressed to my talent in which he says, "Know-
"ing that Marshal Hunt is advised by Hon
" Lucky Baldwin I have written the latter gentle-
"man regarding the suspended amounts in my
" account I cannot afford to lose them. It is
" simply preposterous to stop ten days pay
" while serving Eatons writ (Capias) when
" no charge was made on the writ for time
" and I surely should not lose ten days
" on that account." About the same time a letter was received by District Attorney Lucky Baldwin from Haller, dated May 2nd 1879. (the same was presented in open Court) which is as follows viz: "Knowing you to be the legal
" adviser of Marshal Hunt I respectfully
" call your attention to certain disallowances"

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"in" my account. He disallows the sum of $80.00/100,"
"[illegible] in 1878. for the reason that the"
"account was not forwarded to him in time"
"[illegible] was forwarded just as soon as possi"
"[illegible] he disallows ten days in Febry because"
"during that time I was serving a writ. As I"
"can pay for that time on the writ I think"
"[illegible] I hope you will consult"
"[illegible] and let me know the result."
"[illegible] dollars is too much money"
"[illegible] to lose, and I shall not rest con-"
"[illegible] that I must lose, until I am so"
"[illegible] from the Department at Washington."

I will state here that the $80.00/100 item has [illegible] allowed as specially ordered by the Court.

Upon the receipt of the letter of Mr [illegible] of May 2nd [illegible] above, I requested Mr Cage, my Deputy [illegible] Clerk, to whom the letter was addressed, to see District Attorney Reed and consult him about this matter, which he did, and immediately replied to Mr Hatter under date of May 5th 1879 as follows viz:

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"Your favor of May 2nd to hand. In regard
"to the disallowances referred to Judge Deaf
"he declines to have anything to say, as it
"is a matter of which he cannot take cog-
"nizance. The Marshal has no objection to
"your referring the matter to the Department.
"I told you in my last letter that I would put
"in the accounts for your pay, the ten days, and
"if allowed would pay you. If the Department
"directs the payment of the Marshals disallowances
"I will take pleasure in remitting it to you."

It is proper here to say that in accord-
ance with the understanding with Mr Walker
the disputed claim was fully embraced in my
accounts, accompanied with a voucher for the
entire month of Febry.

On November 22nd 1879 the same
was submitted to the Court and the usual
statutory affidavit made thereto. I was not
present at the time, but this transaction had
been openly discussed and the Deputy sworn
to the same and in doing so the Marshal
wishes to have to ~~have~~ it understood that

he assumes all responsibility attached thereto.

These accounts and vouchers were duly forwarded to Washington, after having been approved by the Court, in the presence of the District Attorney, to whom they had been previously submitted. I have no knowledge that they have been passed upon as yet by the Department.

About the 23rd of Febry 1880 Mr. Walker appeared at my Office representing himself to be in pecuniary distress and insisted upon the payment of the $125.00, and upon my refusal to comply with his request stated that the District Attorney would advise me to pay the same. I told him to bring me something in writing from District Attorney Lee to that effect, and that if he did so I would consider the same. This he failed to do, and for the purpose of satisfying myself, I caused a written memoranda of the entire transaction to be made and went to the office of said Dist Attorney and read the same to him.

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He declined them as he had done before to advise me.

After procedings had been instituted against me I was put in possession of a letter written by this same Mr Walker to one of my former Deputies Mr Parker of this place. bearing date of April 16th 1880 from which I quote: "I take my "pen in hand to write you a confidential let" "ter, and the only confidential business in this," "Hunt unjustly keeps back $25.00 of my" "pay. He has sent on my receipts as his vouchers" "sworn to, and has thus laid himself liable" "to a penalty of fine and imprisonment. The" "law was quoted to me while I was up in" "Jackson, and efforts made to get me to enter" "into prosecutions The Congressional race has" "everything to do with it. Only last week I" "got a letter from the Department of Justice ask-" "ing if that money had been paid me. I" "do not wish to injure Hunt, but I desire" "my pay. so that I can answer any such" "future inquiries. I have made no answer"

3m

"yet, preferring to ask you as a friend to see "
"Hunt and quietly inform him of the matter "
"in private. If you see Hunt give him an "
"insight as to the working of things. Dont "
"mention any names, but let him know you "
"have the news from good Authority and tell "
"him if he wants to see the law not to go "
"to Sunk Sea after it."

On the first day of May, Saturday, I was first advised by a summons to appear that a civil suit had been entered against me by Sunk Sea District Attorney for the sum of $4200.00 under Sections 5490 & 5498 of U.S. Revised Statutes. Prior to that time no intimation of any sort, by the District Attorney, had been made to me that such a suit was contemplated; and without an opportunity to make an explanation to the Department, and without even the ordinary notice of five days I was forced to confront a suit that was not only a surprise, but of most serious import to me in every aspect it presented.

On the first day of Court which was

the 3rd day of May I discovered for the first time also, that a subpoena had issued for one of my former Deputies, Mr W.G. Walker, to whom allusion has already been made, to appear before the Grand Jury. This was done by the District Attorney, but no service of the writ passed through the Marshals Office. Instead thereof it was sent in a letter to Mr Walker, as he represents, with the request to acknowledge service of the same and at the same time enjoining absolute secrecy as to its receipt.

I have reason to believe that a most thorough and searching scrutiny was made by the District Attorney, and Grand Jury, as to the matter of complaint brought by the District Attorney, under Sections 3490 & 5438 against me, and I donot disguise my gratification at the action of the Jury by which the whole matter of an indictment was ignored; and my character vindicated, to the extent at least that such a finding may be so considered, though no vindication

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in any opinion can overtake the inception of this wrong.

The 12th day of May was the day fixed for the trial of this civil suit against me, and that day is memorable as one on which the most earnest and vigorous prosecutions ever made in this Court by District Attorney Lea was directed against me. This suit was much more feelingly prosecuted than any he has ever presented here, not excepting the Kemper County cases; the Log seizures; Internal Revenue cases, or any for counterfeiting. I was the object against whom his conscience compelled him to act, as he stated, under the authorization of the Department of Justice. In spite of this effort, doubtless intended to be the crowning one of his Official life and conscience, under the instructions of his Honor, Judge Hill, the Jury rendered a verdict for Defendant, nor did they delay longer than ten minutes before returning this verdict.

In view of all these facts, in view

of the further fact that his Honor the Judge ruled and so charged the Jury that if they believed from the evidence, that the services charged for by the Marshal were actually performed, then the claim was not a false and fictitious one, notwithstanding the Marshal had not actually paid Walker as was sworn to, And also in view of the fact that with a limited amount of Government funds on hand of which the District Attorney was fully advised, other and more pressing claims were delayed to give this frivolous one five extened, which might have been settled without cost, by a reference to the Department or the Judge; Also calling attention to the persistant manner in which this Official has repeatedly framed petty and unfounded objections to many accounts, almost all of which have been overruled by the Court, showing his antagonism to such an extent that my relations with him are anything but pleasant, I have to ask that the Department advise me the justice hereafter to communicate

with me direct; and without delay, should he seek to stab me again; for I am constrained to believe that his conduct is attributable to senility; or that his purposes are malicious, sinister and vindictive.

In closing this communication I desire to ask that the Attorney General will give it that consideration which is due, and if in his opinion I stand vindicated, I trust that he will not hesitate so to express himself, for I shall await an expression of opinion from him in this matter with feelings of deepest concern.

Respectfully
Your Obedient Servant
Thos. W. Hunt
U. S. Marshal

365

So Dist. of Miss

94.

DEPARTMENT OF JUSTICE.

Received May 19, 1880

Dated " 15, 1880

From Thos H. Hunt.

U S. Marshal

SUBJECT.

Further retrial of suit brought against him.

ACTION.

file

364

DEPARTMENT OF JUSTICE
MAY 19 1880

Office of U.S. Marshal
Southern District Mississippi
Jackson May 18th 1880.

Hon. Chas Devens.
U.S. Attorney General.
Washington D.C.

Sir:

I desire to supplement my letter of yesterday to you, with this one for the purpose of arriving at a clearer and more satisfactory explanation on several points involved. Viz:

1st. Referring to the time in the matter of the civil suit against me. I desire to add that notwithstanding this suit was not brought and process served five days before the Court commenced, I promptly appeared with Counsel on the first day of the term, waived all want of legal notice and demanded that the case should be set for trial at the earliest possible date; because I felt entirely guiltless, and did not wish to rest under

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the imputation, which the mere fact that this suit was pending, would necessarily cast upon me.

2nd. Referring to the instructions of Judge Hill: in addition to what has been previously quoted from him I desire to state that he further charged. "That if the Jury believed from the" "evidence that the Marshal had refused to" "pay Walker the $35.77 because the Mar-" "shal had <u>doubt</u> as to the claim being" "a proper one against the Government," "and that the Marshal took Walkers receipt" "as a voucher and presented in his (the" "Marshals) accounts, for the purpose of hav-" "ing the claim adjusted at Washington," "then the Jury must find for the Defendant" "because in such case it could not be" "said that the Marshal had presented a" "false and fictitious claim <u>knowing it</u>" "to be such."

3rd. I have only to add further that District

Attorney Lew said in his speech before the
Jury "That Walkers claim, in his opinion, was"
"a perfectly good and proper one, and that the"
"Marshal should have paid it long ago, and he"
"then and there based his demand for a verdict"
"against Defendant simply upon the ground"
"that the Marshal had put in Walkers re-"
"ceipt as though it had been actually paid"
"by the Marshal, when in fact it had not been"
"so paid."

With this statement of facts, in addition to those contained in my letter of yesterday, I am perfectly willing to leave the matter in the hands of the Attorney General and of the President; and in closing beg leave respectfully to subscribe myself

Your Obedient Servant

Thos. D. Hunt

U. S. Marshal.

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1880

So Dist. of Wisc

DEPARTMENT OF JUSTICE.

Received June 10, 1880

Dated " 7, 1880

From H. R. Hare

Asst U.S. Atty.

SUBJECT.

Requesting appointment

ACTION.

file

370

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE
JUN 10 1880

Jackson, June 7th 1880.

Sir

As my appointment as Assistant U.S. Attorney for the Southern District of Mississippi terminates by limitation early in the month of July 1880. I respectfully apply for a new appointment to said position. As to the manner in which I have discharged the duties entrusted to me, and tender my Controll. I would respectfully refer to the various Agents and Representatives of the Different Departments of the Government Who come in personal Contact and have direct Connection with the Government interest here.

I have been informed that there has been some thought of discontinuing the position which I now hold. Will you pardon me for suggesting that you may Consider this with deliberation & Consultation with some parties directly Connected with the business of the Court here before determining upon this. I am advised that the Chief of the "Secret Service" of this Department, Agent Wield of New Orleans was for the past two Terms of our Court here

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Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, _____ 188__

been here actively engaged in breaking up an extensive Confederation of Counterfeiters, has in his Report to his Department at Washington Suggested that my thorough acquaintance with the Courts and Bar before the Courts and my other qualifications make it important to his Department that they should solicit my continuance in Office. I know that he has expressed himself and am informed that made the Report as stated to the Department.

In view of these facts in Connection with others which I hope will impress your Judgment that my Services to the Government must at least be worth to it the Same Salary paid me. I trust that you may feel that you can Consult the Interests in that which you greatly me by a Reappointment.

Very Respectfully
Your Obt Servt
N. B. Baker.

Hon. Wm. Charles Devens
Attorney General
Washington
D.C.

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Ss Dist. of Miss

DEPARTMENT OF JUSTICE.

Received June 12, 1880.

Dated 8, 1880

From L. Lea

US Attorney

SUBJECT.

Transmits copy of the record in the case of US. v. J. M. Hunt.

ACTION.

M. Sutton

Ans June 12. 80.

373

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE
JUN 12 1880

Jackson, June 8. 1880.

Sir,

I have the honor to transmit herewith a copy of the record in the case of the United States against Thomas W. Hunt. It is sent to you that You may determine whether the case shall be carried to the Supreme Court. The record shows that the material allegations in the declaration were distinctly proved, & that the facts of the case are substantially as stated in my letter to you of the 8th. of March.

When you come to consider what, specifically, was the claim presented by the defendant for approval, bear in mind that it was predicated on a disbursement alleged to have been actually made by him as marshal, but which he knew had not been made, you will, I apprehend, find yourself forced to the conclusion that the court erred grievously in its charge to the jury. For myself, I am unable to conceive how such a claim can be otherwise than false & fictitious within the meaning of

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, _____ 188__

Sec. 5438 of the Revised Statutes, & the same may be said with reference to a number of the oldest & ablest lawyers in this State.

With my strong convictions as to the law applicable to the case & of my duty under it, confirmed as they were by your letter to me of the 8th of April, I felt that I had no discretion as to the institution of proceedings against Marshal Hunt. Yet he & some of his friends have been industriously charging that my action in the matter has been dictated by personal ill will. A charge more diametrically opposed to the truth could not possibly be made against any man. But this is not the first time the anger of the marshal has been kindled against me. He is prone to get mad whenever, in compliance with your instructions, I scrutinize his accounts; a duty from which, as you know, I have sought to be relieved.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington, D. C.

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The United States
agst.
Thomas W. Hunt.

Transcript of Record

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Plea	"	7
Judgment	"	7
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The United States of America
Southern District of Mississippi } Fe

Pleas and proceedings had and done at a regular term of the Circuit Court of the United States for the Southern District of Mississippi, (fifth Circuit) begun and held pursuant to law, in the Court Room of said Court in the City of Jackson, in said District, on the first Monday, being the third day of May A.D. 1880.
Present and presiding the Hon. R. A. Hill United States District Judge for Mississippi

The United States
versus
Thomas W. Hunt

Be it remembered that heretofore, to wit on the 28th day of April A.D. 1880. the plaintiff had filed in the office of the Clerk of said Court its declaration in the words and figures following, to wit.

Circuit Court of the United States.
For the Southern District of Mississippi
The United States
vs
Thomas W. Hunt

The United States of America plaintiffs in this suit, by

1

Luke Lea, their Attorney for the Southern District of Mississippi, Complain of Thomas M Hunt, defendant in this suit, who is a resident of said district & found therein, of a plea that he render to the plaintiffs the sum of $2000.00 which he owes to the plaintiffs and from them unjustly detains. For that whereas heretofore to wit, on the 22nd day of November 1879 & since the enactment & approval of Section 5438 of the Revised Statutes of the United States, he the defendant being the Marshal of the United States for said district, did cause to be presented to the Honorable the Judge of the District Court of the United States for said district, for approval by him, a certain claim against the United States for the sum of $70.00, which said claim was founded on an alleged expenditure of so much money by the defendant in payment to Wm Walker for the services of the said Walker as deputy of the defendant, Marshal as aforesaid, for the month of February 1879, & was so presented for approval with the intent on the part of the defendant to obtain thereby the allowance of the same in the settlement of his accounts as said Marshal, at the Treasury Department of the United States

2

And the plaintiffs say, that the defendant at the time he caused the said claim to be presented for approval as aforesaid, well knew that he had not expended the said sum of $70.00 in payment to the said Walker as aforesaid, & that the said claim was false & fictitious.

And the plaintiffs further say, that the defendant in causing the said claim to be presented for approval as aforesaid knowing the same to be false & fictitious, thereby committed an act prohibited by the provisions of the said section 5438 of the Revised Statutes of the United States.

And the plaintiffs aver that by reason of the premises & by force of the provisions of section 3490 of the said Revised Statutes of the United States, the said sum of $2000. became & was forfeited by the defendant to the United States, & that thereby an action hath accrued to the plaintiffs to demand & have of & from the defendant the said sum of $2000. so forfeited as aforesaid, being the sum above demanded.

And the plaintiffs in like manner complain of the defendant of a plea that he render to plaintiffs the further sum of $2000. which to them he owes & from them unjustly detains, For that whereas, heretofore, to wit, on the day & year aforesaid, the defendant

for the purpose of obtaining the approval & allowance of the said Claim as aforesaid, caused to be used in connection therewith & as a voucher of the correctness thereof, a certain receipt of the said W. G. Walker, which contained a statement that the said Walker had received the said sum of $70.00 for his services as deputy Marshal for the month aforesaid.

And the plaintiffs say that the defendant at the time he caused the said receipt to be used as aforesaid, well knew the statement therein contained as aforesaid to be fictitious & the said receipt to be false.

And the plaintiffs further say that the defendant, in causing the said receipt to be used as aforesaid, knowing the said statement contained therein to be fictitious & the said receipt to be false, committed an act prohibited by the provisions of the said Section 5438 of the Revised Statutes of the United States

And the plaintiffs aver that by reason of the premises & by force of the provisions of the said Section 3490 of the said Revised Statutes of the United States, the further sum of $2000, became & was by the defendant, forfeited to the United States & that thereby an action

hath accrued to the plaintiffs to demand
& have of & from the defendant the said
further sum of $2000. so forfeited as
aforesaid, being the same secondly above
demanded.

Yet the defendant, though often
requested so to do, has not paid to the
plaintiffs the said sums of money
above demanded, nor either of them,
nor any part thereof, but to pay the
same has hitherto wholly failed &
refused & still refuses, to the damage
of the plaintiffs of $2000.

Wherefore they bring their suit &c.

L Lea
U.S. Attorney.

And on the said 28th day of April 1880
a summons was issued in said cause,
which, with the return of the Marshal
thereon is in the words and figures
following, towit,

6

United States of America, } Sc.

SOUTHERN DISTRICT OF MISSISSIPPI.

THE PRESIDENT OF THE UNITED STATES.

To Geo F Swann Special Marshal of the
~~To the Marshal of the~~ Southern District of Mississippi---GREETING:

We Command You, That, without delay, you summon

Thomas W Hunt

defendant, residing in said District, and citizen of the State of Mississippi, that he be and appear at the Circuit Court of the United States, to be held at the Court Room thereof, in the City of Jackson, in and for the Southern District of Mississippi, on the First Monday of May next, to answer to

The United States

~~who citizen of the State of~~ of a plea of debt. This suit is brought to recover the sum of Four Thousand Dollars forfeited to the United States by force of the provisions of Section 3490 of the Revised Statutes of the United States.

and that he do file his plea or defense in said Court, on or before the said meeting thereof, or judgment will be given against him by default; And have you then there this writ, and how you have executed the same.

Seal

Issued under my hand, with the Seal of said Court hereto affixed, at JACKSON, in said District, this 28th day of April A. D. 1880

Jas M McKee

Clerk.

6

No. 2712

CIRCUIT COURT, U. S.

SOUTHERN DISTRICT OF MISS.

May Term, 18 80

The United States,

vs. } SUMMONS.

Thomas McHugh

Defendant in ..... County.

[illegible]

Plaintiff's Attorney.

Received April 28th 1880.

Executed on the within named Thomas McHugh this May 1st 1880, by handing him a true copy of this summons, he waiving the reading of it.

Geo. F. Frazer

Special Agent,

And on the 6th day of May A.D. 1880 the defendant filed his plea herein in the words and figures following to wit:

The United States } And the said
2705 v } defendant by T C
Thos W Hunt } Catchings his Attorney
comes and defends
the wrong and injury when &c and
says that he does not owe the said
sums above demanded, or any
part thereof, in manner and form
as the said plaintiff hath above thereof
complained against him, and of
this the said defendant puts him=
self upon the Country &c.

T C Catchings
atty for defendant.

And on the 12th day of May A.D.
1880, the same being a day of
the regular May Term 1880 of
said Court, the following
proceedings were had and
entered of record on the Minutes
of said Court, towit:

The United States } This day came
vs } the parties by their
Thomas W Hunt } attorneys and issue

being joined, it is ordered that a jury come, whereupon came a jury of good and lawful men as follows, to-wit, John Canada, E Zachary, W D Larkin Martin Griffith, Willis Flowers W W Stateno, George Robinson Henry Hudson, Aaron Fields Jas H Dupree, J T Dameron and Ed Fitzgerald, who being duly elected empanneled sworn and charged and the issue submitted to them upon their oath say, we the jury find for the defendant, It is therefore considered by the Court, and so ordered and adjudged that said defendant Thomas M Hunt go hence without day,

And on the 29th day of May A D 1880 the following Bill of Exceptions was signed, and filed in said Cause, to-wit,

In the Circuit Court of the United States.
For the Southern District of Mississippi
At May Term 1880.

The United States
vs
Thomas W Hunt
} Bill of Exceptions.

Be it remembered that this cause came on to be tried May 12th 1880 before a jury on the issue joined thereon, when the following facts were proved, to wit. At the November term 1879 of the district Court of the United States for the Southern district of Mississippi, defendant who was the Marshal of the United States for said district presented "An account of his fees & disbursements at and previous to the May Term 1879 of the Circuit & district Courts of the United States, with the vouchers & items thereof" to the Judge of said district for approval by him. Among the charges for disbursements in said account was an item of $70.00 for which credit was claimed as for so much money disbursed by the defendant as said Marshal in payment to W G Walker for his services as a deputy of the defendant for the month of Feby 1879. For the purpose of procuring the approval of said item & claim

by said Judge, the defendant presented in connection therewith & used as a voucher therefor, a receipt of the said Walker, which contained a statement that he had received from the defendant $70.00 for his services as deputy Marshal for said month.

The defendant at the time he presented said account for approval knew that only $45.00 had been paid to Walker for his services as deputy for said month & that said claim & receipt were each for $25.00 more than the amount actually paid to Walker for his said services.

The defendant apprehended that the claim for the $70.00 would be disallowed by the accounting officers of the Treasury, to the extent of $25.00 & as a means of securing himself against loss agreed with Walker that he should retain that amount until he ascertained that the claim had been allowed in full, when the amount retained was to be paid over to Walker.

Walker was employed by Mr Hunt at $2.50 per day to supervise a number of keepers in charge of various lots of logs lying in different portions of the Counties of

Harrison, Hancock and Jackson.

While so employed he had placed in his hands for service, a writ for the arrest of one Eaton and was engaged in serving said writ for ten days.

Walker claimed pay for serving the Eaton writ, and also $2.50 per day for the same time by virtue of his employment as supervisor of the log keepers.

Hunt doubted his right to pay for both and the question was submitted to the district attorney who declined to advise on the subject.

The matter was also discussed by Hunt with the Assistant District Attorney, and Walkers claim and Hunts refusal to pay him were openly discussed and in no manner concealed.

Hunt agreed with Walker finally to present the claim to the department, and to pay Walker, if allowed, but declined to pay until so allowed.

To do this Hunt took Walkers receipt for $70.00 which included the $25.00 claimed by Walker, but which was not in fact paid and filed it with his accounts

as a voucher. Hunt had no personal benefit to gain by so doing, as, if allowed by the department the $25.00 was to go to Walker,

At the time the account was presented for approval by the Court the District Attorney did not know but that the whole $70.00 had been paid, nor did the Court.

The following is an extract from Hunts account on this point including a copy of the voucher,

Schedule No 1 to supplemental abstract No 4 is for pay of deputies in charge of Log Seizures, and embraces the following Claim.

" Voucher No 1. Deputy Wm Walker from Jany
" 1st 1879. to March 22. 1879 both inclusive
" 81 days @ $2.50 $202.50

Voucher No 1 is as follows.

" The United States to Wm Walker Dy US Marshal Dr
" 31 days services as Dy Marshal in Jany 79. 77.50
" 28 " " " " " " Feby 79. 70.00
" Received payment 147.50
" Wm Walker Dy US Marshal
" Miss City Feby 28th 1879.

Then follows a receipt for $55.00 for his pay 22 days in March.

The following is an extract of Hunts account with reference to Walkers services in serving the Eaton writ.

" United States } Ct Ct.
" v } Copias
Violation " James A Eaton }
Internal "
Rev Laws "

" Service of Copias in Perry Co by
" Deputy Walker Feby 5th 1879 2.00
" Buggy hire five days, & board of depty
" Feby 1st to 5th inclusive 25.00
" Board of Deputy Feby 6th 2.00
" RR fare Deputy from Brookhaven 2.20
31.20

Thereupon the Court among other things not excepted to instructed the Jury as follows.

If they believed from the evidence that the claim of the Marshal (the defendant) for services performed by his deputy Walker as stated in the declaration was false fictitious and fraudulent, that is, without foundation or consideration to sustain it, and that the defendant presented it, or caused it to be presented to the Court for approval knowing it to be so false fictitious and fraudulent, they would find and return their verdict in favor of the plaintiffs upon the first Count in the declaration. But if the proof failed to satisfy them that said claim was so false fictitious and fraudulent, and that the defendant at the time the same was presented

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for approval, knew it so to be, then they would return their verdict for the defendant on this Count in the declaration.

That if they found the facts in favor of the plaintiffs on the first Count in the declaration as before explained, then they would consider the evidence under the second Count in the declaration, and if they found that the claim of the Marshal alleged in the declaration, was so false, fictitious and fraudulent, and was by the defendant presented, or caused by him to be presented to the Court for approval, and that with the intent to aid such approval he presented a false and fraudulent voucher or receipt, knowing the same to be so false and fraudulent, they would find and return their verdict in favor of the plaintiffs on this second Count in the declaration.

But if they were not satisfied from the evidence that such false fictitious and fraudulent claim was presented for allowance, as alleged, and further that such false and fraudulent voucher or receipt was presented with the purpose and design of aiding the allowance of such claim

the defendant, at the time knowing such voucher or receipt to be so false and fraudulent, then they would find and return their verdict in favor of the defendant on the second Count in the declaration.

The Court further instructed the jury that the claim mentioned in the declaration was not the claim of the Marshal's deputy, but the claim of the Marshal himself based upon the services of the deputy, and if at the time the claim was presented for approval the services upon which it was based had been performed the claim was not false, fictitious and fraudulent whether the deputy had been fully paid or not and the verdict should be for the defendant.

And to which instructions of the Court to the Jury, the District attorney upon the part of the plaintiffs excepted and prayed that the same might be signed sealed and made part of the record in this cause which was accordingly done in open Court.

May the 29th 1880.

R A Hill. Seal

Judge &c.

15

I James W McKee, Clerk of the Circuit Court of the United States for the Southern District of Mississippi, Fifth Circuit, do hereby certify that the foregoing fifteen pages contains a true full and perfect transcript of the record of the cause lately pending in said Court wherein The United States were plaintiffs, and Thomas W Hunt defendant, as fully and completely as the same remains of record in my office.

Given under my hand and the Seal of said Circuit Court hereto affixed at office in Jackson in said District this 7th day of June AD 1880.

Jas W McKee
Clerk

So Dist. of Miss

123.

DEPARTMENT OF JUSTICE.

Received June 25 1880

Dated June 20, 1880

From L. Lea

U S Atty.

SUBJECT.

Requesting leave of absence

ACTION.

Ans June 25. 1880

341

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT JUN 23 1880 JUSTICE

Washington, ~~Jackson~~, June 20. 1880

Sir,

My coming North having been suddenly & unexpectedly determined upon, I was thereby prevented from applying for leave of absence in advance. And I have now the honor to request your consent to my remaining absent from my district until the 10. of July. I have no reason to apprehend that my so doing will cause any injury to the public service.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General
Washington,
D. C.

S. Dist. of Miss.

DEPARTMENT OF JUSTICE.

1225

Received July 1, 1880.

Dated June 29, 1880.

From L. Lea

U. S. Attorney.

SUBJECT.

Rel to conveyance pursued in prosecutions of cases against Marshal Rhoads, requesting reappointment &c

ACTION.

file

393

S. Dist. of Miss.

DEPARTMENT OF JUSTICE.

1328

Received July 1, 1880.

Dated June 29, 1880.

From L. Lea.

U. S. Attorney.

SUBJECT.

Rel. to course pursued in prosecutions of case against Marshal Shurk, requesting reappointment &c.

ACTION.

file

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DEPARTMENT OF JUSTICE
JUL 11 1880

Washington, June 29, 1880.

Sir:

I greatly regret that my limited time, and still more limited means, compel me to leave the city without having had the pleasure of seeing you.

Though aware of the fact that a few individuals, offended, as I believe, because I have faithfully done my duty, have made strenuous efforts to prevent my reappointment as U. S. Attorney, I am nevertheless wholly in the dark as to what particular charges or complaints have been made against me. I can only conjecture what they may be. If it has been charged that in the late proceedings instituted by me against Marshal Hunt, I was actuated by personal ill will, I submit that my letters to you on the subject ought to satisfy your mind that the charge is utterly untrue. But, as further evidence of its falsity, I respectfully refer you to the letters herewith from Col. G. Gordon Adam and Hon. A. F. Simrall, which have been kindly forwarded to me at Washington. Of the character of Col. Adam, I need say nothing, as he is personally well known to you. Judge Simrall was until recently Chief Justice of our Supreme Court, and as a lawyer no man in the state has a higher reputation.

With these gentlemen and several other distinguished

members of the Bar, I consulted, confidentially in reference to the case of Marshal Hunt, expressing to each my anxious desire to find some way of escape from the painful task of instituting proceedings against the marshal. They all concurred in the opinion that the case was a plain one, and that under the law and your instructions, I had no alternative but to proceed as I did, or disregard my oath of office. To do the latter was impossible and I solemnly aver that in the action taken by me, I was influenced solely by an imperative sense of official duty. I knew that I had much to lose and nothing to gain by proceeding against the marshal. I had then no doubt that it would cause a dangerous influence to be actively exerted against me; nor have I now the shadow of a doubt that I might have made myself quite a favorite with some of those who are seeking my displacement, if I had been subservient to their wishes and faithless to the government. Apart from the recent proceedings against him, the marshal has no cause to complain except that I have faithfully obeyed your instructions in scrutinizing his accounts. This has been the prime source of all my trouble with him. He is extremely avaricious and his office deputy is equally so. Hence they are given to making excessive charges, of which there is much complaint among the lawyers. It would be a great mistake to suppose that I am the only lawyer who has had trouble with

the marshal in consequence of his repeated and persistent efforts to make more out of his office than his legitimate fees. Believing you must be satisfied that I am in no respect obnoxious to the exceedingly offensive charge of having been actuated by other than proper motives in my official action toward Marshal Hunt, I leave it to your own high sense of honor to determine what consideration you will give to representations, coming from whatever sources, intended to injure me on that account. I cannot but feel that the humblest officer in the Department of Justice is entitled to your protection and support when maligned and traduced for having conscientiously endeavored to perform what he considered to be an official duty.

Excepting only the marshal and my assistant, so called, my relations with the officers of the court, the judges and the members of the bar have always been of the most agreeable character. The clerks are my warm friends. Although I have frequently had occasion to decide questions contrary to their wishes and interests, neither of them has ever questioned the integrity of my motives, nor allowed my decisions to disturb for a moment our cordial relations. Honest and faithful themselves, they are capable of understanding how it is possible that another officer may be actuated solely by motives of public duty. Of my assistant I am loth to speak, for although he has no title to any favors from me, I have felt and still feel a sincere sympathy for

him, because, like myself, he is maimed and poor, and has some motherless children to support. But, I believe the time has come when it is due to you and myself that I should speak of him as he deserves. God forbid that I should do him injustice. He came into our offices about the same time. I knew him but slightly, but my prepossions were in his favor and I anticipated that our relations, official and personal, would be altogether pleasant. It was not long before I became convinced that he was but poorly qualified for his position either as lawyer or clerk, and that he had no proper conception of official propriety. Unconscious of his deficiences he was full of vanity, conceit and arrogance. He had a talent for committing blunders and doing ridiculous things. Hoping that he would improve, I studiously endeavored to conceal from him the fact that I knew him to be ignorant and incompetent; but at length he made the discovery, and from that day to this he has been my enemy. He proved to be incapable of permanent improvement, forgetting at each term of Court all that he had learned at the preceding term. Finding that he was not trustworthy, I have been compelled to perform myself all the work of the office requiring even a moderate degree of judgment and skill. I have tried from time to time to find something for him to do, so that I might be able to certify to his quarterly accounts. It has been a long time since I have trusted him to draw an indictment or declaration

in any case. The assistance he has rendered me has been more nominal than real and I can truly say that the business of the office would have been as well, nay, better done without his assistance than with it. Whatever of valuable service he has rendered I could have had performed more satisfactorily, at a cost not exceeding $100 per year. As an illustration of the absurdities of which he is capable, I will mention a single instance. Ex uno disce omnes. The assassins of Chisolm and Gilmer, as you are aware, were indicted at May term '79, of conspiracy to deprive the said Chisolm and Gilmer of the equal protection of the law, etc. Anticipating that a motion would be entered to quash the indictment, my assistant prepared himself to make an elaborate argument against the motion. The ground on which he mainly relied was, that the assassins were in legal contemplation the state of Mississippi! When the counsel for the defendants came to answer that part of the argument, he was interrupted by the Court, Judge Hood's presiding, with the remark, that he need not argue the point, as it might be said with equal propriety that the inmates of the penitentiary were the State! And here I will state, in passing, that at the last term of the court, Judge Hood's sustained the motion and quashed the indictment. The truth is my assistant is grossly and notoriously unfit for the position he holds. I have been often asked by members of the Bar, why is it that you

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have so incompetent a man for your assistant? He has always had a false conception of the proper relations between us. The idea of being subordinate to me he repels as offensive to his dignity and independence. He has claimed the right to express any and everywhere, his own views touching the business of the office without regard to mine and has considered himself free to criticise my official conduct according to his humors, which are generally characterized by ignorance or ill nature. When I have ventured to admonish him that his course was contrary to official propriety and injurious to the public service; it has made him furiously angry, and on a recent occasion, in the presence of the grand jury, he raved like a madman. In all my experience as a prosecuting attorney for the State and the United States, I have never witnessed, in a grand jury room, so scandalous an exhibition. From what I have said, I think you will have no difficulty in understanding why it is that I have had differences with my assistant. Most assuredly they have not been of my seeking. On the contrary, they have been forced upon me in spite of my earnest efforts to avoid them. It has afforded me no pleasure, I assure you, to speak as I have done of the marshal and my assistant, and notwithstanding the strong language I have used, I would not willingly do either of them an injury that I could rightfully

avoid. This letter is already much longer than I intended to make it and I will say but little more.

My term of office will expire on the 18. of July. I came to Washington after Congress adjourned, and supposed that the name of my successor had been sent to the Senate before the adjournment. All that I have been able to learn about the matter is, that no nomination was made. Presuming that the question as to who my successor shall be, is still an open one, I respectfully solicit a re-appointment. Small as the emoluments of the office are, my condition is such that the loss of them would inevitably subject me to great suffering. It is my misfortune to have an imbecile and helpless son who is entirely dependent on me. With the office I can continue to support him and myself. Without it, I cannot hope to do either. I could explain to you how this is, but it is unnecessary. Does the public interest require that I shall suffer as I must suffer if I am not re-appointed? The judges and lawyers of my state and district do not think so. On the contrary, they testify with great unanimity and earnestness, that I have discharged the duties of the office faithfully and efficiently, and go so far as to say that my displacement would be a public calamity. That they express the general sentiment of the people most interested, there can be no doubt. Upon what, in

such a matter, can you more safely rely than upon the judgment and wishes of the judges, lawyers and people who are directly and especially concerned? When you are inclined to suspect that I have not discharged my whole duty to the Government, I wish very much that you would take up some particular case and by a thorough examination of it, test the correctness of your suspicion. I have not the least apprehension that the result of such examination in any case would be otherwise than favorable to me. The assertion may seem to you to be a bold one, but I believe it to be strictly true, that I have never, during my whole term of service, lost a single case that any body else could have gained.

I will say in conclusion, that the testimonials on file in the Department give abundant assurance that I am entitled to the confidence of the Administration, and as I have been the early and steadfast friend of the President, his failure to reappoint me, under all the circumstances of the case, would be a grievous injury to me which is not called for by the public good and of which I and the people of my state would have good cause to complain.

Very respectfully,

L. Lea
U. S. Atty

Hon. Charles Devens,
Attorney General,
Washington, D. C.

June 7. 1850

Col. G. Gordon Adam

to

Luke Lea.

G. GORDON ADAM. FREDERIC SPEED.

ADAM & SPEED,

ATTORNEYS AT LAW.

Vicksburg, Miss., June 7th 1882.

Hon. Luke Lea

My dear Sir,

Hearing that you are being censured for bringing the late actions against the U.S. Marshal, Mr. Hunt, I deem it not improper for me to assure you that, being being made familiar, before the suits were instituted, with all the steps taken by you, and also knowing your delicate and conscientious regard for duty in the matter, I cannot but think that any reflection on your conduct in that connection is wholly unjustifiable. The cases presented so clear an infraction of the law, that you could not avoid the course you took, and the result was incomprehensible. I know that you acted with unfeigned reluctance, and were guided solely by an imperative sense of duty.

Yours sincerely

G. Gordon Adam

June 9. 1880.

Hon. H. T. Sinrall

To

Luke Lea

ATTORNEYS AT LAW.

Vicksburg, Miss., June 9 1870

Hon Luke Lea.
U S. D. Atty.
Dear Sir—

It has been communicated to me, that perhaps complaints have been made of you, to the Authorities at Washington of being actuated by private & personal sentiments, in some ~~pas~~ official proceeding.

From a long acquaintance with you, personally, a knowledge of your character, and some knowledge of your official conduct, I feel assured, that you have been actuated, in your official business by pure and upright motives, and a conscientious desire to perform your official duties, fully & fairly—

I bear willing testimony, to the purity and integrity of your life and character;

Very truly
H. F. Simrall

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So Dist. of Miss

DEPARTMENT OF JUSTICE.

Received July 26 1880.

Dated " 26 1880.

From Thos H Blount.

US Marshal.

SUBJECT.

Requesting leave of absence.

ACTION.

Ans July 26. 1880.

400

ans July 26/80

Jackson Miss. 21st July 1850

To Hon Chas Conrad
Secy of War U.S. &c &c -

I expect to day that
for some time past I have been very much
indisposed, & have been advised to make
a change of climate for my health -
I respectfully ask a leave of absence for
my district for 30 days commencing 15th Augt.
During my absence at this time my offi
cial duties will be conducted by my Asst & Assist Deputy Qr
M. G. Capt - who is fully competent to discharge
all the duties of the office

Very respectfully Your Obt Servt
A. S. Lambert

So Dist. of Miss.

15-3.

DEPARTMENT OF JUSTICE.

Received July 28, 1880.

Dated " 24, 1880

From Jno Lea

U S. Atty.

SUBJECT.

Bleiroath

ACTION.

Filed

402

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE JUL 28 1880

Jackson, July 24. 1880

Sir,

I have the honor to acknowledge the receipt of your letter of the 20th inst. inclosing my commission as U.S. Attorney for the Southern District of Mississippi, & herewith transmit my oath of office, duly recorded &c

For the honor & favor conferred on me by my reappointment I beg leave to tender to you & through you to the President my grateful acknowledgements.

Very Respectfully,
L. Lea, U.S. Atty.

The Attorney General
Washington
D. C.

DEPARTMENT OF JUSTICE JUL 27 1880

403

I Luke Lea, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any Office whatever, under any authority or pretended authority, in hostility to the United States; that I have not yeilded a voluntary support to any pretended government, authority, power or constitution within the United States hostile or inimical thereto. And I do further swear that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same, that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

L. Lea.

Subscribed and sworn to before me this 24th day of July A.D. 1880

Jas M McKee,
Clerk U.S. Circuit Court
Southern District of Mississippi

404

I Jas M McKee Clerk of the Circuit Court of the United States for the Southern District of Mississippi do hereby certify that the foregoing ~~bond~~ oath of Hou Lee Lea United States attorney for the Southern District of Mississippi Commissioned as such by the President of the United States on the 19th day of July 1880, was on this day presented for record, and by me duly recorded on Minute Book No 3 of said Circuit Court, on page 160.

Given under my hand and the Seal of said Circuit Court this 24th day of July AD 1880.

Jas M McKee

So. Dist. of Miss.

164.

DEPARTMENT OF JUSTICE.

Received Aug 9, 1880

Dated " 6, 1880

From Hon Hiss

US Atty.

SUBJECT.

Rels. to the case against P.O. Inspector Bradbury Williams.

ACTION.

File

405

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE AUG 9 1880

Jackson, August 6. 1880.

Sir,

I have the honor to acknowledge the receipt of your letter of the 3. inst., inclosing copy of letter to you from the Postmaster General, & directing me to appear in defense of P.O. Inspector Bradbury Williams, who is under bond to answer to a charge of libel at the November term of the State circuit court for Lawrence County, Miss. My attention had been previously called to this case by Col. F.W. Schaurte, P.O. Inspector at St. Louis, Mo., & I inclose herewith copy of letter to him from me on the subject. I have already arranged to have such influences brought to bear as will I hope cause the prosecution to be abandoned & thus relieve Mr. Williams from the necessity of appearing at Court.

Very respectfully

L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

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Office of

UNITED STATES ATTORNEY,

Copy

Southern District of Mississippi.

Jackson, August 2 1880.

Col. J. W. Schaurte,
P. O. Inspector,
St. Louis,
Mo.

Sir,

I have received your letter of the 29 ult., inclosing a letter to you from Inspecto Williams, & requesting my assistance in extricating him from a difficulty in which he has become involved, etc. It will afford me pleasure to comply with your request as far as it may be in my power to do so. In what way precisely I can best serve Mr. Williams I am not prepared to say; but I will consider the matter maturely & in due time take such action as may be most expedient. Absurd as the charge of libel seems to be, there is no regular mode of getting rid of the prosecution previous to the term of Court at which Mr. W. is to appear.

I will thank you to refer me to the law under which you think young Cohen might be prosecuted.

Very Respectfully,
L. Lea, U.S. Atty.

407

S. Dist. of Miss.

187. DEPARTMENT OF JUSTICE.

Received Sept 9, 1880

Dated " 6, 1880

From Thos W. Blount.

U S. Marshal

SUBJECT.

Requesting leave of absence.

ACTION.

Ans. Sept. 9. 1880.

408

U. S. Marshal's Office

Jackson Miss 6th Sept 1880

DEPARTMENT OF JUSTICE SEP 10 1880

Hon Wm Devens
Atty Gen U. S.

Sir

A leave of absence from this District was given me from the 15th Aug. to 15th Sept, this month, only for reasons beyond my control I was & am myself unable to go away from the District -

I have had the honor to apply for extension of my leave, until the 15th of October -

In the interim my Deputy Mr W. E. Boggs will attend to all my official duties & there is nothing of pressing importance now in the office

Very respectfully Your obt svt
Wm L Hebard
U. S. Marshal

409

So Dist. of Miss

27 DEPARTMENT OF JUSTICE.

Received Oct. 16, 1880.

Dated 12, 1880

From Thos. N. Hunt
U S Marshal

SUBJECT.

Requesting instructions rel his power to appoint deputies for election purposes.

ACTION.

2021 RS
Mr Dutton
Ans. (telegram) Oct. 19/80.

410

DEPARTMENT OF JUSTICE. OCT 15 1880

Office of U.S. Marshal
Southern District Mississippi
Jackson Oct 12th 1880.

Hon Chas. Devens
U.S. Attorney General.

Sir:

I have the honor to enquire whether it is optional with me to appoint Deputies throughout my District at different polling places— there being no city of 20.000 inhabitants therein: Shall I await petition of two citizens, or make appointments upon suggestion of candidates, or act upon my own ideas as I may think proper?

Under section 2021 of Revised Statutes I am in doubt as to the extent of my power to make such appointments in the different polling places throughout the district.

Up to the present writing have only one application for the appointment

411

of Deputies, this from Adams County.

Your specific instructions will greatly oblige

Very Respectfully Yours

Thos. H Hunt

U.S. Marshal.

S. Dist. of Miss.

221 DEPARTMENT OF JUSTICE.

Received Oct 20, 1880.

Dated " 19, 1880.

From Thos H. Glenn.
U S. Marshal.

SUBJECT.

Telegram rel to the appointment of deputy Marshals.

ACTION.

file

412

Blank No. 1. 271 6 30 P

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages.

This message is an UNREPEATED MESSAGE and is delivered by request of the sender, under the conditions named above.

A. R. BREWER, Sec'y. NORVIN GREEN, President.

Dated Jackson Miss Oct 19 1880

Received at 6 30 pm

To Hon Chas Devens

U S Attorney General

Washn D C

READ THE NOTICE AT THE TOP.

Re your telegram of today

Intended to supercede instructions

Contained in Circular letter of

Atty Genl Sept to Marshals

dated Sept. fifth Eighteen seventy

Six relative to appointment of

deputy marshalls

Thos N. Hunt

U. S Marshall

46 Collect GR

413

So. Dist. of Miss.

Department of Justice.

No.

Received Nov 22 1880.

Dated: " 18, 1880.

From Thos H. Merrick.

US Marshal.

SUBJECT:

Asking if detectives can be sent to investigate election frauds.

ACTION:

Ltr Clerk Nov 23. 1880.
Ans. Nov. 24/80.

STEREO.

414

DEPARTMENT OF JUSTICE
NOV 22 1880

Office of U S Marshal
Southern District Mississippi
Jackson Nov 18th 1880

Hon. Chas Devens
U. S. Attorney General.

Sir:

I have concluded to address you relative to the condition of affairs in some portions of this District pertaining to Elections under the U.S. Statutes.

In portions of the District the population is mixed and in many Counties the colored people are largely in the majority. In such sections it is next to impossible to have cases worked up where there have been palpable violation of the Election law. This is owing to reticence on part of witnesses, and to a sense of danger on part of people who live in such places, should it be known that they have become volunteer informers.

Under these circumstances cannot

a corps of Detectives be organized under the Attorney General specially to work up such cases?

Can not the Department of Justice send its special Agents to detect these violators of law regardless of party, as is done by the Post Office Department or the Treasury?

By such means I am convinced that witnesses can be had who will testify in many more cases than can now be obtained. and a different class of witnesses, not altogether colored, may be brought on the stand. It will have an effect where any other system, because it will be an Earnest of the intentions of the Government to move in a much more effectual way than has been heretofore attempted.

It will not necessitate to the same degree as now, where informers are fixed in these localities, a fear for their lives, or occasion them to leave at peril of life or property.

I feel so much interest in this matter, that I venture to suggest if the

4½

Department is debarred from acting owing to a lack of funds, or because of any short coming in the law, that Congress be invoked to supply the necessary means to put some such machinery as this in motion.

Very Respectfully
Your Obedient Servant
Thos. L. Stuart
U. S. Marshal.

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S. Dist. of Miss.

252

Department of Justice.

Received Aug 23, 1880.

Dated: " 18, 1880

From Ls Head

US Attorney.

SUBJECT:

Rel. to investigation of violations of election laws

ACTION:

Ans. Nov. 24/80.

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, Nov. 18. 1881

Sir,

I have the honor to acknowledge the receipt of your dispatch of yesterday, which was handed to me last night.

There is no doubt that many violations of the laws of the United States were committed in this district in connection with the late Congressional elections, & I am endeavoring to obtain the facts as fast as I can which are necessary to enable me to institute criminal proceedings against the guilty parties. I have already filed two Informations, one against six persons for interfering with an officer of the election in the discharge of his official duties, the other against four persons for conspiring to prevent citizens by force, intimidation & threat from giving their support & advocacy toward & in favor of the election of a candidate for Congress. I expect to file Informations against a much larger number of persons during the present term of Court, & there are many cases in which the necessary investigations cannot be had until the January term. The Grand Jury at the present term were discharged, on my motion, in

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Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, _____ 188

three days after being impaneled, for the reason & under the circumstances set forth in a communication published in a late number of the Vicksburg Herald, a copy of which I sent to you a few days ago.

Court being in session I am very busy, & must now give my attention to other pressing duties. Your instructions will be faithfully carried out.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

d30/

VICKSBURG DAILY HERALD.

PRICE, FIVE CENTS. VICKSBURG, MISSISSIPPI, TUESDAY MORNING, NOVEMBER 16, 1880. VOL. XVII.---NO. 274

COL. SAM MEEK, of the Columbus bar, paid us a pleasant visit yesterday.

THE City of New Orleans prohibits smoking on its levee in consequence of the danger to inflammable freights and the shipping.

MESSRS. I. K. FUNK & Co., New York, have sent us the "Life and Work of Charles H. Spurgeon, by Rev. Wm. H. Yarrow." This is a valuable but cheap work. The price is only twenty cents.

THE Memphis Appeal appeals piteously to the South to remain solid, and quotes every Bourbon "nigger-rule-fearing" sheet in the South to prove that it is right. It had best lecture these extreme sheets soundly and tell them some wholesome truths about the harm they have already done. If it succeeds in keeping the cotton States solid another four years, it is quite likely it will see Kentucky, West Virginia and Missouri prepared to accept other company.—[Vicksburg Herald.

The esteemed Vicksburgian better go slow in its criticisms of the old moss-backs, or else he will be called "a nasty Radical." When a Bourbon gets in a corner he always calls the other fellow "a nasty Radical," and that lets him out.—[Memphis Avalanche.

Don't be uneasy, neighbor. We purpose driving the moss-backs to the rear. Democratic principles are all right, but the moss-backs hate to live up to them.

WE print another account this morning of the late terrible political killing at Lexington, Holmes county. It will be remembered we printed an account of it copied from the Lexington Advertiser a day or two since. The account we give to-day is from the pen of a Greenbacker, whose reliability is vouched for by a gentleman in whose word we place implicit confidence.

These lamentable affairs concern all our people, and every journal true to their interests will endeavor to make all the facts public. This bitter political intolerance must cease, or we are only at the beginning of troubles and bloodshed. We have had a taste of the fruits of this bitterness in our county, and there are few among us who will deny that it injures every interest and affects the value of every foot of real estate. We must get beyond this stage in civilization that makes bullyism a prominent factor in government, and at too frequent periods ends in the destruction of valuable lives.

The Mississippi Returning Board---How the Old Thing Works.

We have already expressed, mildly but firmly, our opinion about the election in this District, but have never been able until now to give the figures from the different counties. The figures returned by the Election Commissioners to the Secretary of State are as follows:

Counties.	*Chalmers.*	*Lynch.*
Adams	1387	878
Bolivar	301	979
Claiborne	1061	288
Coahoma	225	353
Issaquena	59	333
Jefferson	951	136
Quitman	153	83
Sharkey	484	175
Tunica	239	506
Warren	1014	57
Washington	1607	772
Wilkinson	1691	814
Totals	9172	5373

We give below the votes received and counted by the Precinct Inspectors, but which were thrown out by the Election Commissioners of the various counties on account of alleged irregularities and informalities. In Jefferson county the votes were not thrown out, but one ballot-box with a large number of votes was shotgunned out. We have not the figures from Coahoma, but learn that Chalmers was beaten between 700 and 800 votes, and that the Commissioners threw out every box in the county but one! As we have not the exact figures we omit the county from the list.

LIST OF VOTES THROWN OUT.

Counties.	*Chalmers.*	*Lynch.*
Adams	32	316
Bolivar	102	736
Issaquena	114	785
Jefferson	92	250
Warren	20	2029
Washington	356	526
Total	716	4642
		716
		5358

This list shows that in one District in Mississippi five thousand three hundred and fifty-eight ballots were thrown out and this does not include Coahoma, where all the boxes save one were thrown out. What other "work" was done we know not, but we do know that the above is enough to last a while.

Our readers should reflect seriously on this business. Every good citizen is more or less interested in it. It is alleged that this is done in the interest of the Democratic party and the party is asked by Gen. Chalmers's organ to carry it. It is not done in the interest of the Democratic party or the best interests of the people, and the party, the officials, the District and the State should positively refuse to countenance it. It is done in a futile effort to force a man into Congress regardless of the injury it will do to our party, to our good name, and to our State. As one who has served the Democratic party second to no man in the State and the South, we spurn it and denounce it before the whole world.

CHALMERS's organ commends some election fraud or other in the North to this truthful and pious journal for it to correct. We do better work at short range than long range, and we have all we can attend to at home just now. But pointing to frauds in other places does not lessen the injury they will do us in the least. We are opposed to them everywhere.

Particulars of the Discharge of the U. S. Grand Jury in this State.

JACKSON, MISS., Nov. 15, 1880.

Editor of the Herald:

The dispatch from this city, published in the HERALD of Saturday, in relation to the discharge of the Grand Jury by Judge Hill, misrepresents District Attorney Lea, and does injustice to the Jury. The District Attorney did not say nor intimate "that the lives of citizens are not safe before this Grand Jury." Neither he or Judge Hill said a word reflecting on the motions or character of the Jury, or any of them. What they did say and do respectively, was substantially as follows: On Thursday the District Attorney, in the presence of the Jury, and at their request, asked the Court to instruct them as to whether a person who, at the late election, acted as Inspector without being sworn was "an officer of the election" in contemplation of law and as such entitled to its protection. The Judge answered by saying, that any person who acted in the capacity of an Inspector must be presumed to have been duly qualified so far at least as that no one who interfered with him in the discharge of his duties could take advantage of the fact that he had not been sworn, and that it was not a matter for the Grand Jury to consider, whether a person who officiated as an Inspector at the late election had taken the oath

Lynch's Protest.

To his Excellacy John M. Stone, Governor of Mississippi:

I desire to enter this

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The foregoing is a full and correct statement in substance of what transpired in open Court touching the discharge of the Grand Jury, and it may be well to lay it before your readers to the end that the truth in regard to the matter shall be publicly known. The discharge of the Grand Jury for the reason and in the manner stated, has given rise to much talk, and I am glad to be able to say that public sentiment approves strongly the action taken by District Attorney Lea and Judge Hill. LEX.

DURING the last year the valuation of the State of Georgia has increased $14,000,000.

alleged that this is done in the interest of the Democratic party and the party is asked by Gen. Chalmers's organ to carry it. It is not done in the interest of the Democratic party or the best interests of the people, and the party, the officials, the District and the State should positively refuse to countenance it. It is done in a futile effort to force a man into Congress regardless of the injury it will do to our party, to our good name, and to our State. As one who has served the Democratic party second to no man in the State and the South, we spurn it and denounce it before the whole world.

CHALMERS'S organ commends some election fraud or other in the North to this truthful and pious journal for it to correct. We do better work at short range than long range, and we have all we can attend to at home just now. But pointing to frauds in other places does not lessen the injury they will do us in the least. We are opposed to them everywhere.

Lynch's Protest.

To his Excellacy John M. Stone, Governor of Mississippi:

I desire to enter this, my earnest protest against the issuance of a certificate of election to Hon. James R. Chalmers, as Congressman elect from the Sixth Congressional District. I claim that on the face of the returns, the votes that are admitted by all parties to have been fairly and honestly polled, Gen. Chalmers has not a majority and is therefore not elected. The only ground upon which Gen. Chalmers's claim to the certificate is based, is the action of the County Commissioners in several counties in throwing out votes on account of various technicalities and informalities. I hold that these returning officers are clothed with no such authority under the constitution and laws of this State as they have assumed and exercised in several counties in the Sixth Congressional District. Their powers, duties and functions are ministerial and not judicial. They are to receive, canvass, certify and make return to the Secretary of State of the votes that were polled at the several election precincts in their respective counties as returned and certified to them by the different precinct election Inspectors. If the tickets thus received and returned by the precinct Inspectors are believed not to have been prepared in accordance with the requirements of the statute in any particular, or if any of the Inspectors or clerks should commit any act or deed not authorized by law, or fail or omit to discharge any duty in connection with the holding of such election which may be imposed upon them by law, and the right of any candidate at such election is believed to be affected thereby, such irregularities may constitute a valid ground upon which to contest the election, but it is the duty of the Commissioners to canvass, certify and make return to the Secretary of State, the same as if every technical requirement of the statute had been complied with in due form. It certainly was not the intention of the framers of the law to give the Election Commissioners such discretionary authority as would enable them to take advantage of the law to disfranchise thousands of legal and qualified electors, but on the other hand it was their intention to guard and protect the purity of the ballot and afford every elector an

So Dist. of Miss.

252

DEPARTMENT OF JUSTICE.

Received Nov 29, 1880

Dated " 24, 1880

From H. Lea

U S Atty.

SUBJECT.

Receipt of letter rel. to prosecutions for violations of Franchise laws

ACTION.

Ans Dec. 1, 1880.

421

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, Nov. 26 1880

Sir,

I have the honor to acknowledge the receipt of your letter of the 22 inst. relative to prosecutions for violations of the Franchise laws. The views you express are, in my judgement, entirely correct, & my action will be governed accordingly. In cases affecting party passion & prejudice, unsuccessful prosecutions are apt to do more harm than good, & I do not consider it proper that criminal proceedings should ever be instituted for the purpose of putting parties to trouble & expense as a means of punishing them for offences of which they cannot be convicted. With a due regard to these considerations, I deem it my duty to prosecute, by criminal information, a considerable number of those who, in a flagrant manner, violated various provisions of the Franchise laws in connection with the late elections in this district. When relieved from the pressure of other duties, I will write to you more fully on this subject.

Very respectfully,

L. Lea, U.S. Atty

The Attorney General, Washington, D.C.

422

S. D. Dist. of Miss.

275.

Department of Justice.

Received Dec 10 1880

Dated: " 6 1880

From Jno Hooe

U. S. Atty.

SUBJECT:

Receipt of letter rel. to the selection of jurors & to the employment of detectives.

ACTION:

Ill

STEREO'S. 423/

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, Dec 6 1880.

I have the honor to acknowledge the receipt of your letter of the 24 ult.

It is gratifying to know that you approve of the action taken in regard to the discharge of the grand jury.

As juries, under the late act of Congress, are to be drawn by lot from names placed in boxes by Commissioners appointed for that purpose, the Court can do but little toward selecting suitable persons, further than to appoint trustworthy Commissioners & injoin upon them the duty of placing in the boxes the names of none but good & true men. Judge Hill has appointed Commissioners in whom he had confidence & has no doubt given them such instructions as he deemed necessary. And I myself have on several occasions, expressed to them my desire that none but the names of proper persons should be placed in the jury boxes. I have no reason to suppose that they have not endeavored to perform their duties faithfully. But they have made mistakes, & it is impossible to guard against making them to some extent. I trust that more caution & better judgement will be brought to bear in future. It is my determination to be more stringent hereafter in questioning petit

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Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, _____ 18__

jurors, so as to detect if possible disqualifying prejudices on the part of any of them. Such prejudices prevail so extensively among the people that it is difficult to impannel a jury uncontaminated by them. And here lies the main obstacle to successful prosecutions in cases which bring into play any of the prejudices to which I allude.

I am pleased that you favor the employment of an agent to collect the necessary evidence in the election cases. It is a measure indispensable to a proper & judicious handling of these cases. I stated to Judge Hill, just after the grand jury were discharged, that I intended to write to you & urge the appointment of an agent for the purpose indicated, as the best means of avoiding mistakes & reaching just results. He approved earnestly of my intention, & takes the same view of the matter that I do.

Very Respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

425

So. Dist. of Miss.

277

Department of Justice.

Received Dec 13, 1880.

Dated: " 8, 1880.

From Thos W. Houck.

U. S. Marshal.

SUBJECT:

Reports as to the appointment of Special Deputies

None.

ACTION:

Filed.

426

Office of U. S. Marshal.
Southern District Mississippi
Jackson Dece 8th 1880.

Hon Chas Devens
U. S. Attorney General

Sir

In reply to your telegram asking for number of Deputies appointed under Sec 2021 and the probable expense, Permit me to say I had no Deputies acting under said section as there are no cities of 20000 inhabitants in my District - Consequently no Expense - I did however have a regular Deputy at each precinct that one was asked for, with instructions that you will find enclosed herewith.

Very Respectfully
Thos W Hunt
U S Marshal
per C

427

United States of America
Southern District of Mississippi

To

By virtue of authority in me vested by Section 788 of the revised Statutes of the United States, and imposing implicit confidence in your patriotism and devotion to the constitution and laws of the United States and of the State of Mississippi, I do hereby appoint you a Deputy U.S. Marshal for the Southern District of Mississippi.

In testimony whereof I have hereunto set my hand this 20th day of October A.D. 1880.

Thos. W. Hart
U.S. Marshal
Southern District Mississippi

Oath of Office

I do solemnly swear that I will faithfully execute all lawful precepts directed to the Marshal of the Southern District of Mississippi under the authority of the United States that may come into my hands, and true returns make, and in all things well and truly and without malice or partiality perform the duties of the office of Deputy

Marshal of the Southern District of Mississippi during my continuance in said office, and take only my lawful fees, So help me God.

Sworn to & subscribed before me this day of A.D. 1880.

Office of U.S. Marshal

Southern District Mississippi

Jackson Oct. 20th, 1880.

Sir:

Enclosed herewith you will find a commission as Deputy U.S. Marshal; after you shall have taken the oath attached thereto you will have full power to serve any process directed to the Marshal. But here your powers cease. That is to say, you can interfere with no one nor make any arrest unless you have a warrant issued by some U.S. Commissioner or the U.S. Court. If you are armed with a warrant for any one and a resistance is shown, you then have the same right to summon bystanders to assist you, as the Sheriff of your County would have, and any one refusing to obey your summons lay themselves liable to arrest.

We have been requested by the Republicans of your County, to appoint you a Deputy that you might be convenient to the voting precinct known as and therefore in their behalf, I have to request

4:9/

that on Tuesday Novembr 2nd 1880 you make your headquarters near the above named voting precinct and hold yourself in readiness to serve any legal process that may be placed in your hands. You will get no purdiem for this service, but should you serve any legal process you will be entitled to your lawful fee of $2.00 for each service.

I wish you to observe that you are not appointed "Special Deputy to assist Supervisors", but a regular Deputy with only such powers as mentioned herein; and should you step beyond these you do so at your own peril. And you are particularly charged not to interfere in any way with voters in the exercise of their right of suffrage.

Very Respectfully

U.S. Marshal.

430/

So. Dist. of Miss.

Department of Justice.

879

Received Dec 13, 1880.

Dated: " 8, 1880.

From Thos H. Glenn.

U S. Marshal

SUBJECT:

Recommending the employment of Wm. S. Sage as detective in investigation of election frauds

ACTION:

Ans Dec. 13, 1880

Office U. S. Marshal
Southern District
Jackson Miss - Dec 8th 1880

To
Hon. Wm. Evarts U. S.
Washington D.C.

Sir

In reply to your
letter of the 3rd inst I beg to say that I
do not know the Employers of Mr. Wm E.
Bays as a suitable person to work up the
character of cases under consideration - His
former courage - & long acquaintance with the
parties intending to Contest an entry by him,
I think, is placing his name first for consideration

When I receive from you at once, or this office,
the necessary papers authorizing him to
proceed to work, or indicate the manner
of remunerating - I have told him that the
pay will be $1000 for 6 months plus his necessary
traveling expenses on Oath and I doubt not
how he will be paid. It is necessary for
him to know this in order that he may take
the necessary financial arrangements -

Very respectfully
Your Obt Servt
U. S. Marshal -

DEPARTMENT OF JUSTICE
DEC 13 1880

432

S. D. Dist. of Miss.

288.

Department of Justice.

Received Dec. 21, 1880.

Dated: " 18, 1880.

From Wm. S. Boggs

Dep. U. S. Marshal

SUBJECT:

Asking to have in Marshals requisition funds sufficient to defray his expenses rel. to election frauds.

ACTION:

Ans. Dec. 21, 1880.

ans Dec 2/80

DEPARTMENT OF JUSTICE
DEC 21 1880

Office of U.S. Marshal.
Southern District Mississippi
Jackson Miss. Dec 18th 1880.

Hon. Chas. Devens
U.S. Attorney General
Washington D.C.

Sir:

Refering to your Letter of 13th inst. authorizing the Marshal to employ me for the purpose of obtaining evidence in the matters pertaining to the last election in this state I have the honor to ask that you have added to the Marshals last requisition for funds a sufficient amount to defray the expense in this matter. With which he is to be charged. I make this request in the absence of the Marshal as time is important as we desire to do all we can before January Term of Court. Thanking you for the favor done and in authorizing my appointment I am Sir

Yours Most Obedient
Wm. E. Cage Deputy U.S. Marshal.

So. Dist. of Ills.

Department of Justice.

Received January 3, 1881.

Dated: Dec. 31, 1880

From Jno Hoge

U. S. Atty

SUBJECT:

Report relative to the treatment of Neal Davis a prisoner.

ACTION:

Mr Haylett

Mfly

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, Dec. 30. 1880.

Sir,

I have the honor to acknowledge the receipt of your letter of the 21. inst., instructing me to investigate the matter of the fettering of Neal Davis with inordinately heavy irons, while he was a prisoner in custody of the Marshal.

Owing to the absence of the Marshal, I handed your letter to his deputy, Mr. Cage, together with a note from me, a copy of which is herewith inclosed. Mr. Cage is the deputy in charge of the office, & the chief operator in the management of its business. Hence, my direct application to him for a statement of facts instead of to the Marshal himself. His answer, just received, is also herewith inclosed. I have no reason to doubt that what it says of Davis' conduct & character is substantially correct. He was a witness for himself on the trial of his case, & his testimony evinced that he was a hardened villain. He stated that his regular business was that of a gambler, & he spoke boastingly of having whipped & abandoned a wife in Florida because she was a good, religious woman & had made him mad by urging him to quit gambling &c. He is undoubtedly

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 18....

a bad, desperate & daring fellow, who, after his conviction, which was a surprise to him, was intent on making his escape from imprisonment. It was therefore altogether proper that he should have been sufficiently shackled & guarded to prevent his escape. This could & ought to have been done without subjecting him to unnecessary suffering. As a prisoner he had a sacred right to be treated with humanity. Whether he was so treated or not, is a question as to which it would not become me to volunteer an opinion.

Very respectfully,

L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Copy

Jackson, Dec. 27 1880.

W. E. Cage Esq., Dep. U.S. Marshal,
Present.

Sir,

I hand you herewith a letter from the Attorney General in relation to the treatment of Neal Davis, lately a prisoner in the custody of the marshal. It appears from the letter, that the irons with which Davis ~~was~~ shackled were unusually heavy. Was this necessary in order to prevent his escape? If so, were any means used to protect him from unnecessary bodily suffering in consequence of his being shackled in the manner described by the Attorney General? I will thank you for a full statement, in writing, of the facts in connection with this matter.

Very respectfully
L. Lea, U.S. Atty.

Office of U.S. Marshal.
Southern District Mississippi.
Jackson Dec 28th 1880.

Hon Luke Lea
U.S. Attorney.

Sir:

Your letter of 27th with that of the Attorney Generals dated Dec 21st relative to the heavy irons put upon Neal Davis to hand. In reply to your request to furnish you in writing a full statement of the facts in this matter, I enclose you herewith a sworn statement of them as fully as I am informed. The Jailer of this county also certifies to the truth of the statement so far as relating to the Pris oners custody in Hinds County Jail. Trusting that the same will exhonerate the Marshal from any blame in this matter I am Sir

Yours Respectfully
Will E. Cage
Chief Deputy in charge.

6/

State of Mississippi } Southern Distrit
Hinds County

In July 1880 one Neil Davis was arrested in the city of Vicksburg by Deputy Marshal Wm Price on a Warrant from U.S. Commissioner and was duly tried and bound over and in default of bail he was placed in the custody of the U.S. Marshal by order of said Commissioner He was by the Marshal turned over to the Sheriff of Warren County for safe keeping until November Term of Court. Some time in September said Davis wrote to the Distrit Attorney and to the Marshal complaining that he was being ill treatid and asking that something be done in his behalf Steps were immediately taken to transfer him to the Jackson Jail and on the 20th of September he was delivered for safe Keeping to Shriff of Hinds County. I afterwards investigatid the causes of his complaint against Warren County Jailor and found that he had been subjectid to no harsher treatment than the County prisoners which was not as bad as he represented. His grievance in that instance was without any foundation. I had no complaint from him as to ill treatment in the Jackson Jail until after

he was irons, which will be hereafter explained. From the time that he was committed in Jackson Jail up to the time of his trial Nov 24th he was permitted all the privileges of the Jail that could be given any one. He was not locked up in the iron cage mentioned by him except at night as all prisoners nearly are as the halls in the Jail are not considered secure. And here it may be well to mention that these cages are about 8 or 10 feet square and are a open lattice work of iron bars in which are placed swinging beds for sleeping. They are no more uncomfortable than the other portions of the Jail. He was even allowed the privileges of the Jail yards and in one instance at his own solicitation he was permitted to go out and help to move the jailor from one portion of the town to the other. And in an other instance he saying he needed exercise I let him come out and cut me some wood. And it was during these times that he stole from the Jailors room the knives with which he afterwards did so much mischief. As before stated he was tried on Nov 24th and convicted and it was on this trial that we all learned from his own testimony his true

character, and as is always my custom I directed the Jailor to keep him locked up after conviction. On Sunday the Jailor informed me that Davis had been making an attempt to escape. That he had cut the irons off of a Prisoner who was to be hung on 31st Decr and had cut one of the bars of iron out of the window. Search being made a large Knife was found secreted in his cell which he had stolen from the Jailors wood before mentioning this Knife was hacked up to use as a saw. He was placed in an other cage, and became quite boisterous, making threats of what he would do, and affirming that he would certainly escape, that there were not enough irons in Jackson to hold him. In view of his general manners and threats, I requested His Honor on Monday morning to sentence the prisoner that I might have him ironed for safe keeping stating the facts to him. Whereupon the prisoner was brought out and sentenced, I then had a blacksmith to put a pair of shackles on him, and ordered them made rather large. These were put on him under protest, he swearing that there were not enough men in Jackson to put them on him, and it took four men to hold him. This was on the 29th Inst. It was discovered about dusk that he had cut these shackles off, and large

lock was procured (of the latest improved style) and his legs locked together and his hands cuffed behind him. The next morning he was free again. His boasting that irons could not be made to hold him suggested the propriety of putting some on him that would hold him. Hence those of which the Complaint is made were put upon his legs over his pants cautions being taken not to let them touch the flesh. This was done on Sunday ~~30th inst~~ Hence Mr Davis is mistaken about wearing them from Sunday 6th. His language all this time was profane and abusive to all the officers in charge. It was when these irons had been on him two or three days that he made an appeal to me to take them off, promising to behave himself, but from what I could learn of him from Bro Prisoners I declined to grant his request. He had repeatedly said that he intended to make his escape on his way to Albany, And that he would never pass the borders of the State of Indiana and many such threats, and as only two men accompanied him, leaving one to watch at the time, I directed the irons should not be taken off until he was safely lodged at Albany. He was without a doubt the

worst Prisoner we have ever had any dealings with since my connection with the Office some three years. And I am informed by the Jailer who has been such for quite a while, that he never had in his custody a worse or meaner man. On the night of his departure for Albany he swore he would not go and tore all the cloths off of him, and it was then that he received the only harsh treatment, as we had to tie him up by the hands in order to see mine clothes on him.

Sworn to and subscribed before me this 28th day of December, 1880.
J. W. McKee, Clk
U.S. Circuit Court

Phil Edwin Capt
Chief Deputy
U.S. Marshal in Charge

I hereby certify that the above and foregoing statement is true and correct in every particular so far as what occurred in the City of Jackson.

Sworn to and subscribed before me this 30th Dec 1880.
J. W. McKee
Clk U.S. Circuit Court
So. Dist of Miss

Lt Chiles
Chief Deputy Shff
A. J. Davis
County Jailer

I certify that Neal Davis was at no time ill treated in Jackson Jail but was allowed more privileges than any one in it until he was ironed.

Chas Morgan
City Jailer

Sworn to and subscribed before me this 28th Dec 1880
J. W. McKee
Clk U.S. Circuit Court
So. Dist of Miss

S. Dist. of Miss.

Department of Justice.

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Received January 4, 1881.

Dated: Dec. 31, 1880.

From Ho Hein

U. S. Atty.

SUBJECT:

Reporting employment of Lo. P. Swin in investigation of election frauds

ACTION:

file

STEREO'S.

10/1

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE. JAN 4 1881

Jackson, Dec. 31 1880

Sir,

I regret having to report that my efforts to secure the services of a proper person to collect the evidence in the election cases in this district, have been but partially successful. The work required is so obnoxious to popular prejudice, that it is difficult to find competent persons willing to undertake it. About ten days ago, Mr. K. A. Walker, a reputable citizen of Madison County, agreed to accept my offer to employ him, provided I would allow him a week or two in which to make preparation. I consented to do so, with the understanding that I might, in the meantime, have Mr. C. V. Gwin engaged in working up the cases in Holmes County. Much to my regret, Mr. Walker, on Monday last, when he was to have called for his instructions, informed that he had concluded to decline the offered employment.

I consider it fortunate that Mr. Gwin has consented to collect the evidence in the Holmes County cases, as he is the best man that could be selected for that particular service. He has long been a resident

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, ... 18....

of that county & is thoroughly acquainted with its people. He is a man of courage, & a good lawyer. Though heretofore an active democrat, he commands the respect & confidence of all parties. The violations of law in Holmes were probably more numerous & diversiform than in any other county, & I look for the best results from the investigation of them by Mr. Gunn. With the marshal's appointee, Mr. Cage, I have held frequent conversations for the purpose of instructing him as to the law & his duties. He is well posted, & I am hopeful that he too will do good service.

Very respectfully,

L. Lea, U.S. Atty.

The Attorney General,

Washington,

D. C.

P.S.

I have the honor to inclose herewith a copy of a letter from me to Mr. Gunn & of his answer.

12/

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Copy

Jackson, Dec. 21 1880

C. V. Spain Esq.
Lexington,
Miss.

Sir,

There were undoubtedly many violations of law in connection with the late congressional elections of which the U.S. Court for this district has jurisdiction. It is the desire of the Government that a considerable number of those who are guilty of these offences shall be prosecuted, & if posible, convicted & punished. You are aware of the difficulties by which prosecutions in such cases are embarrased. Convictions can rarely be accomplished unless the evidence of guilt is so clear & strong as to be morally compulsory. How to obtain the necessary evidence is a matter of first importance. Experience has shown that grand juries are not efficient instrumentalities for this purpose. The Attorney General wrote to me recently as follows: "In regard to these Election cases, it seems to me that you might be aided by some proper person familiar with the country, who, either as lawyer or detective, would collect the necessary evidence. If such a person

3/

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, ... 18....

would be of aid to you, you are authorized to employ him at $100 per month, for three months (when his engagement is to terminate), together with actual expenses." Approving the Attorney General's suggestion, I have employed Mr. Robert A. Walker, of Madison County, for the purpose mentioned; but it will be a week or ten days before he will be ready to begin his labors. In the meantime I would be glad to employ you to investigate the cases in your county & report to me the evidence in support of prosecutions already instituted or that may hereafter be instituted against citizens of that County. If I am correctly informed, you will not be averse to the performance of this service. Please let me know at once whether my information is correct. I am aware that the pittance to be paid will be no inducement to you to aid me as desired, but I hope you may be willing to do it pro bono publico. If so, your employment & pay will commence with the day on which you advise me that you will commence the work, it being understood that you will do it thoroughly & with a little delay as possible. If you undertake it, I will wish you to see me here, for consultation, next Monday, the 27th

14

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, ... 18....

inst. Please let me hear from you by first mail, directing your letter to Vicksburg, where I will go Thursday & remain until after Christmas.

Very respectfully,
L. Lea, U.S. Atty.

P.S.

If you accept send me a dispatch to that effect tomorrow.

Copy

Lexington, Miss. Dec. 22. 1880.

Hon. Luke Lea,
Vicksburg
Miss.

My Dear Sir,

Your favor of the 21. inst. is duly to hand today.
Very willingly will I accept the employment you suggest. And I accept because I utterly abhor the frauds that have been practiced, at the same time believing I can act justly & impartially. I believe the Department will not have good cause to complain of my conduct in this matter. These things of frauds at elections must be stopped, & the strong arm of the law must put them down.
I will meet you in Jackson on Monday the 27. inst.

Yours truly,
L. Q. C. Lamar.

So. Dist. of Miss.

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Department of Justice.

Received Feb 9, 1881.

Dated: " 6, 1881.

From Ho Hea.

U S Attorney,

SUBJECT:

Receipt of letter relative to homestead applications of Thomas B Jackson

ACTION:

file

17

DEPARTMENT OF JUSTICE
FEB 9 1881

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, Feb. 6. 1881.

Sir,

I have the honor to acknowledge the receipt of your letter of the 31. ult., inclosing homestead application of Thomas L. Jackson.
The application came to hand too late for use at the present term of Court, & I will therefore retain it until the next term, when, I have no doubt, an indictment for perjury will be found against Jackson because of the falsity of the affidavit he made in support of his application.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General
Washington,
D. C.

18

So. Dist. of Miss.

Department of Justice.

Received Feb 14, 1881.

Dated: " 10, 1881.

From H. Hea

U. S. Attorney.

SUBJECT:

Reis case

ACTION:

Fiat. Devens

AGB.

STEREO'S.

19

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE
FEB 14 1881

Jackson, Feb. 10 1881

Sir,

I have the honor to acknowledge the receipt of your letter of the 26. ult. inclosing my Commission as United States Attorney for the Southern district of Mississippi for the term of four years from the 14. day of January 1881, & I herewith forward a transcript of my oath of office & qualification, as they appear on the minutes of the court.

With many thanks to you & the President for the favor conferred by my reappointment, it will be my endeavor so to discharge the duties of my office as that neither of you shall have occasion to regret the confidence reposed in me.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

20

Southern District of Mississippi } SS.

In the United States Circuit Court for said District, at an adjourned term thereof begun and held at Jackson Mississippi on the 24th day of January A.D. 1881. Present the Honorable R.A. Hill US District Judge for Mississippi the following proceedings were had and entered of record on the minutes of said Court, to wit:

" This day personally appeared in open
" Court. Luke Lea, and presented
" his Commission as United States
" Attorney for the Southern District
" of Mississippi for the term of four
" years from the 14th day of January
" 1881, whereupon the oath of office
" was duly administered to him and
" ordered to be entered upon the
" minutes of the Court, which said
" oath is in the words following;
" to wit:
" I Luke Lea. do solemnly swear
" that I have never voluntarily borne
" arms against the United States since
" I have been a citizen thereof; that
" I have voluntarily given no aid
" countenance counsel or encouragement

" to persons engaged in armed hostility
" thereto, that I have neither sought nor
" accepted, nor attempted to exercise the
" functions of any office whatever, under
" any authority or pretended authority in hostility to the
" United States; that I have not yielded
" a voluntary support to any pretended
" government, authority power or consti-
" tution within the United States hostile or
" inimical thereto. And I do further
" swear to the best of my knowledge
" and ability I will support and
" defend the Constitution of the United
" States against all enemies foreign
" and domestic; that I will bear
" true faith and allegiance to the same;
" that I take this obligation freely any
" mental reservation or purpose of
" evasion, And that I will well and
" faithfully discharge the duties of
" the office on which I am about
" to enter so help me God."

The above is a true copy from the record of an order made by said Court on the 10th day of February A.D. 1881.

Witness my hand and the seal of said Court this 10th day of April A.D. 1881.

J. S. W. McKee
Clerk

So. Dist. of Miss.

54

Department of Justice.

Received Feb 23 1881.

Dated: " 19, 1881.

From L. S. Lea

U. S. Atty.

SUBJECT:

Rel to dismissal of trespass suits of Weston Whitewash and Davis.

ACTION:

To Secy Interior

Feby 23 - 1881

STEREO'S.

22

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE
FEB 23 1881

Jackson, Feb. 19th 1881.

Sir,

I have the honor to report that on payment of $200 by Henry Weston, in compromise of the suit against him, I had the suit dismissed on the last day of the late term of court. I could not get him to pay the $200 at an earlier day, & I am satisfied that he paid the money then to avoid the trouble & expense of defending the suit. There was no evidence whatever that any of the logs seized by virtue of the writ against him was the property of the U. States. The money has been deposited by the clerk of the court, in the Sub Treasury at New Orleans, on a/c. compromise of suit against Henry Weston.

The case against Poitevent & Favre had been previously dismissed, without any order of the court as to the disposition of the money paid to Special Agent Eastlake & now in the hands of the Commissioner of the General Land Office. The court could not make such an order for

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 188....

want of jurisdiction in the premises.

Very respectfully,

L. Lea, U.S. Atty.

The Attorney General,

Washington,

D. C.

24/

S. D. Dist. of Miss.

374.

Department of Justice.

Received Feb 23 1881.

Dated " 19 1881.

From W. A. Musselman

Dep U. S. Marshal.

SUBJECT:

Suggesting renewal of bonds of Mill owners &c by congress

ACTION:

To Secy. of the Interior

Feby 24 1881.

And Mch. 10, 1881.

STEREO'S.

25

So Dist. of Miss

57. Department of Justice.

Received Feb 24 1881.

Dated: " 21, 1881.

From Jas. P. Blalock

SUBJECT:

Requests appointment as Special Detective in Custom Services

ACTION:

Asst Atty. to See Treasy Feb. 25. 1881.

STEREO'S.

26

So. Dist. of Miss.

59

Department of Justice.

Received Feb 26, 1881.

Dated: "_____, 188 .

From Hiram Anderson

SUBJECT:

Calling attention to decision in case of Hiram Anderson vs W. A. McDonald.

ACTION:

Ans. Mch. 3, 1881.

STEREO'S.

27

Taylorville Smith County Miss.

Attorney General Washington D. C.

Dear sir

I send inclosed a transcript of the records in relation to a law suit had and decided in this County which you will understand. I feel that the decision wronged me and I write to you for information. I have the U. S. patant for the land and have never sold it or transfered to any person in any form. I am deprived of the land under the pretence that it was entered by one R. H. Turner at a later date. I have a letter from the attorney general and from the secretary of the interior confirming my claim, which the court refused to admit in the trial. The land belongs to me of right and I want to recover it if possable, and I want you to institute such proceedings will effect this end. If you want any information please address me at Taylorville Smith County Mississippi. Do the best you can for me and

Oblige Yours

Hiram Anderson

28

So. Dist. of Miss.

74

Department of Justice.

Received March 14 1881.

Dated: " 13, 1881.

From Chas A. Buescher

Dep U S Marshal.

SUBJECT:

Telegram referring to his letter rel to timber bonds &c affidavits.

ACTION:

Refd to Sec Int March 14, 1881.

Genl

29

So. Dist. of Miss.

Department of Justice.

Received March 19 1881.

Dated: " 16, 1881.

From Wm R Ware

Asst U S Atty

SUBJECT:

Requesting that he be retained as Asst U S Attorney.

ACTION:

file

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Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE. MAR 19 1881

Jackson, March 16th 1881.

Sir

I have the honor to State that I am not now nor have I ever been in Washington in search of Official place, at present however I am entrusted with the position of Asst U.S. Atty for the Southern District of Mississippi which place I should be glad to retain if my services in the past have been acceptable to the Department I Respectfully refer to the Hon Charles Dennis & every prominent Republican from Mississippi as to my possessing the requisite qualities for the position I hold.

Very Respectfully
Your Obt Servant
H. R. Ware.

Hon. Wayne MacVeigh
Atty General
Washington
D.C.

So. Dist. of Miss.

DEPARTMENT OF JUSTICE.

135

Received May 7, 1881.

Dated " 3, 1881.

From R. A. Hill
Ass't Sec'y.

SUBJECT.

Requesting instructions
rel. to disposition
of election cases.

ACTION.

Filed

31

DEPARTMENT OF JUSTICE. MAY 7 1881

Jackson Miss May 3 1881

Hon Wayne McVeagh

Attorney General U.S.

Washington

Honored Sir

Our Court is now in Session for this District. There are a number of cases for trial for violations of the election laws, charged to have occurred in the last Congressional election. The least penalty for these violations, is a fine of five hundred dollars. The parties are young men, without means; their friends will advance for them, an amount sufficient to pay a small fine and costs, which are pretty heavy; but cannot raise more, I am satisfied that it will vindicate the law, and promote the ends of justice if

such an arrangement can be
made, as the parties will then
submit, and the cases be at once
disposed of; otherwise they will
depend, with an uncertainty
as to convictions, I would therefore
most respectfully suggest that such
instructions be given to the Dist
Attorney, as will relieve the Court
from enforcing the penalty of
$500 — and at the same time
impose the payment of the costs, and
a small fine; fifteen years experience
as a Judge of this Court, has shown
that certainly more than severity
in punishment, prevents crime.
The cases referred to are set for the
3d Week of this Month, Therefore
if you shall in your wisdom
think it best to adopt the
suggestion, it will be desireable
that the instructions be received
by that time. I presume that

authority to the district attorney
to remit so much of the fine
as he may think right and proper,
will be all that will be necessary.
Judge Lea the dist Attorney I feel
sure will not abuse any discretion-
ary power given him."

Yours Truly
R A Hill
Judge &c

From causes that are well known, it would be very difficult to obtain verdicts of guilty in the cases referred to by Judge Hill. Acquittals or mistrials would be detrimental to the public interest. I have, therefore, no doubt that it would be expedient to dispose of these cases in the way Judge Hill suggests. If the suggestion meets the approval of the Hon. Attorney General, I respectfully request that he send me a despatch to that effect, as it may prevent unnecessary expense & trouble.

Very Respectfully,
May 3. 1881. A. Lea, U.S. Atty.

So. Dist. of Miss.

141

Department of Justice.

Received May 11, 1881.

Dated: " ", 1881.

From Ls Lea

U. S. Attorney.

SUBJECT:

Sel. gross requesting instructions rel. to the remission of part of prescribed penalty in certain class of election cases.

ACTION:

Tel. May 11th 1881

STEREO'S.

34

Blank No. 27 Govt 824

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions, limiting its liability, which have been assented to by the sender of the following message.
Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages.
This message is an UNREPEATED MESSAGE and is delivered by request of the sender, under the conditions named above.

A. R. BREWER, Sec'y. NORVIN GREEN, President.

READ THE NOTICE AT THE TOP.

Dated Jackson Miss May 1 1881

Received at 370 P.M.

To The Attorney General

Washn D.C.

If you deem it Competent & proper for you to Authorize me to remit with the Approval of the Court part of the prescribed penalty in a certain Class of election Cases a prompt dispatch from you to that effect is earnestly recommended & requested

L. Lea U.S. Dist Atty

65 Collect 4R 4h 1

35

So Dist. of Miss

143.

Department of Justice.

Received May 13, 1881.

Dated: " 10, 1881.

From Thos. N. Hunt.

U S. Marshal.

SUBJECT:

Enclosing report & account of Wm Gage as Special Agent in investigation of Election frauds

ACTION:

For Mr Chase.

Ans and rec'd returned May 16 1881.

See Mr Hodges files for account.

OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

DEPARTMENT OF JUSTICE. MAY 1881

Jackson, 10th May 1881

To [redacted] Esq U.S.
Dept of Justice D.C. Sir.

I have the honor to forward letter of Atty Gen'l Devens authorizing the employment of a Special agent to work up certain Election frauds; - together with report, & acct of said agent &c. I respectfully ask that he may be paid $5 per day & allowed, & a check forwarded me to cover amount of account for $ [redacted] Five Dollars

I desire to state that the employment of this agent has, in my judgment, been of great service to the Govt in securing the key of testimony & his work has been done promptly & with great thoroughness, & I commend him to the favorable consideration of the Dept of Justice.

I respectfully call attention to the endorsement of Judge Hill

Very respectfully Your obt Servt
Thos. Bolland U.S. Marshal

DEPARTMENT OF JUSTICE
JUN 14 1881

Jackson Miss May 1st 1886

Hon. J. W. Hunt

U.S. Marshal

Jackson Miss

Dear Sir:

The time having expired for which I was appointed a Special Agent to investigate violations of the Election Laws in this the Southern District of Mississippi I have the honor to tender herewith my report of the services rendered and the results thereof together with my account for salary and expenses incurred therein. All of which I trust will meet with your approval.

I have endeavored Sir to discharge my duty faithfully and honestly to the best of my ability regardless of public opinion or the good will of any one, and you will permit me to say here my position has been anything but a pleasant one or an easy one. Being looked upon by a certain element as a spy under a shadow of Justice I was often treated with contempt and scorn, and on some occasions had severe remarks made about me. I often found witnesses very reluctant to testify, some through fear others through

favor. Again it was not at all uncommon to find that some very material witness had removed to another County, and in some instances had left the state. And the lapse of time since the Election had caused many to forget the exact circumstances connected with apparent violations of the law. all of which and many other difficulties made it a very troublesome work and an unpleasant one.

I entered upon my duties on the 1st day of January and was engaged 25 days in said month, when for various reasons I ceased operations until the 22nd of February when I again commenced and continued until April 27th which filled the time for which I was appointed. During said time I took occasion to investigate by personal inquiry and otherwise the Counties of Lauderdale Clark Hinds Wilkinson, Adams, Jefferson Claiborne Warren Issaquena and Washington.

In Lauderdale though there was some irregularity at some of the precincts it was impossible to ascertain anything definite enough upon which to base a prosecution.

In Clark County things had not been managed so cautiously. And from Enterprise I reported 10 under section 5511 Nine of

10
3

V

whom were arrested and Plead guilty and fined $50.00 each. The tenth one has never been arrested. From Quitman I reported under the same section 4 three of whom have been arrested, and have asked to be allowed to plead guilty under the same conditions of those from Enterprise, which proposition has been accepted by the District Attorney at the present term of Court. The fourth one has not yet been arrested. From DeSoto same county, I reported under the same section, 3, all of whom have been arrested Plead guilty and fined $50 each. In Hinds County I have reported under section 5518 6, all of whom have been arrested and tried and the Jury failed to agree upon the point of whether or not a conspiracy had been formed.

Wilkinson County was so vague and indefinite that I did not lose any time in trying to work up anything there.

As for Adams County I gave a great deal of attention, making each precinct a matter of special attention as well as the action of the Commissioners of Election. With the following results. Thos. R. Quarterman and W. N. Whitehurst Commissioners, in my judgment have violated the law as I so reported to District

Attorney, in this, They rejected the votes polled at the Palestine Precinct because there were more ballots counted than the list of voters kept by the clerks showed persons had voted. And refused to reject the votes polled at Washington Precinct where the same state of facts existed, except that surplus of ballots was not as great.
Mr Quarterman's explanation of this was that the Washington box went for Chalmers and the Palestine box went for Lynch.
Court House Precinct. Under Sec 5515 U.S. Statute and Sec. 134 of State Statute I considered the following guilty, Jas A Dicks Noah Barlow J.B. O'Brien George W Hoontz Walter McCrae J.O. Baker W.H. Wilkins & Jno Harper.
Jefferson Hotel Precinct. Under same sections I reported the following. George T Rehn C.L. Tillman S S Meakins, H H Mabry Chas Whitcombe & Hugh McGinty.
Washington Precinct. Under Sec 5515 & 5522 U.S. Statute and 126 State Statute I reported L W Bryan F Stanton Henry Adams J.H. Wickliff J.H. Rowan & Jno Arrighi
Palestine Precinct. Under Sec. 5515 U.S. Statute and 126 State Statute I reported C.D. Bennett W. Carter & George R Washington
Pine Ridge Precinct. Under Sec 5522 of U.S. Statute I reported E.B. Foster and

W. S. Hendrixson.
Kingston Precinct Under Sec 126 State Statute I reporties John J. Higgins and L J Winston.
Dead Mans Bend Precinct Under Sec 136 of State Statute I reporties W. L. Jackson W. J. Berry Matt Miller Jno H Riggs and Andrew Johnson.
Beverly Precinct Under same section I reporties Duncan Holmes S M Coulson Jas A Gillespie Jas L Coulson and H. H. Emmerson.

There are some of these cases I presume will not be prosecuties as the evidence is somewhat vague and indefinite. Though I got all I could.

In Jefferson County about all the wrong that I could hear of was the taking away from one of the Inspectors on his way to Fayette the ballot box of Rodney precinct containing the books ballots and returns of said precinct. After a careful investigation I was unable to obtain one single clue as to who did this. As it was done at night and the Inspector makes affidavit that he does not know who the parties were nor has reason to suspect the identity of any of them.

I heard of sum little "wrongs" in Claibrne County but as my time was drawing near a close I did not stop to investigate them as I was anxious to get to Washington County where I understood sum violent violations of the law had been perpetrated.

In Washington County where I next proceeded I found that there could be nothing definite ascertained except at four precincts which are as follows.

Refuge Precinct. Under Sec 5515 of U.S. Statute I reported George Carter Jno R Shields Jno Compton J. W. Scott and P W Jones for failure to make proper returns of the Election.

Stoneville Precinct. Under same section for same offense I reported W.R. Grantham Andrew Jackson. Clark Saucy J C. Grumbe and the other Clerk whose name I have not yet ascertained.

Lake Washington Precinct Under same section and for same offense I reported J.E. Hough J W Ervin Reuben R. Dunn A.W. Denson & G.S. Boyd.

From Issaquena I learned that lists of voters were not kept at any of the polls scarcely, but my time having about expired I did not stop to investi

1

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gate it. As for Warren County the only thing objectionable I heard of was the action of the commissioners in refusing a certain class of ticket. They having already been tried nothing could be done And thus ended my labors. Believing I have done my duty and trusting that you will be satisfied And thanking you for the appointment I respectfully submit this my report with account attached.

Yours Most Obedient

Will. E. Cage

Special Agent.

Since writing the above the four parties reported from Quitman have plead guilty and paid a fine of $50.00 each.

Recapitulation

No Reported.	70.
No who have plead Guilty	16
No tried and Jury hung	6
The others are yet to be tried	
Amount of Special Agents Salary + Expenses	$779.60
Amount fines collected to date.	800.00

So. Dist. of Miss.

Department of Justice.

Received May 13, 1881.

Dated: " 10, 1881.

From L. A. Wuescher.

SUBJECT:

Stating that he has forwarded by express original bonds, inventories, log-statements, affidavit &c.

ACTION:

Ans'd to Sec'y. Dat. May 16, 1881.

STEREO'S.

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So. Dist. of Miss.

14th

Department of Justice.

Received May 14, 1881.

Dated: " 10, 1881.

From L. A. Wheeler.

SUBJECT:

Declining original bonds for 1880 Instructions, Log Statements & all other papers in his possession rel. to his work as Special Agent.

ACTION:

Ans & to Secy Sat. May 16, 1881

STEREO'S.

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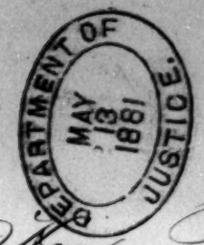
Mississippi City, Miss. May 10th 1881.



Hon. Wayne MacVeagh.
Attorney General.
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your letter dated March 21st 1881, enclosing a Copy of a communication from the Hon. Secretary of the Interior, in which he gives his opinion that it is inexpedient to renew the bonds given by the Lumber-manufacturers in the Southern District of the State of Mississippi.

In consequence thereof I forward you, for file and reference, by Southern Express Co. C.O.D., the original bonds, for 1880, inventories, log-statements, affidavits and all papers in my possession relating to my work as Special Agent of your Department during last year.

Very respectfully,
Chas. A. Wuescher.

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So Dist. of Miss.

226

Department of Justice.

Received Aug 11, 1881.

Dated: " 8, 1881.

From L. Lamar.

SUBJECT:

Requests opinion rel to organization of U.S. Senate under Garfield Administration.

ACTION:

Opin. Aug. 11, 1881.

STEERO'S.

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Office of **L. LOPEZ,**

DEALER IN

GROCERIES, SHOES, ETC., ETC.

DEPARTMENT OF JUSTICE. APR 11 1881

Biloxi, Miss., Aug 8th 1881.

Hon Wayne McVeigh
United States Atty Genl
Washington
D.C.

Sir.

I take the liberty to address you, Sir your valuable opinion on the question below, you will confer a favor by giving me the benefit of your opinion on the subject at your earliest convenience.

Question

Was the United States Senate reorganized under the Garfield administration or has it not been reorganized as yet By attention to this you will confer a favor on

Yours etc.

L Lopez Jr

S. Dist. of Miss

237

Department of Justice.

Received Aug. 24, 1881.

Dated: " 11, 1881.

From J. M. McKee
Clk. Cir. Court.

SUBJECT:

Rect. of Circular letter to U. S. Commissioners

ACTION:

Mr Dutton

File

STEREO'S.

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OFFICE OF
Clerk U. S. Circuit Court,
SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, Miss. Aug 11th 1881

Sam Mullikew Esq
Chief Clk Dep of Justice
Washington D C.

Sir

On yesterday I recived your letter of 30th ult. together with Circular letters of Attorney General to U.S. Commissioners. I immediately forwarded to each U.S. Commissioner in this district one of said letters

Very Respectfully.
J M McKee,
Clerk U.S. Circuit Court
So Dist of Miss.

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S. Dist. of Miss

239

Department of Justice.

Received Aug 25, 1881.

Dated: " 22, 1881.

From J. C. Young

SUBJECT:

~~Subject~~
~~ACTION.~~

Reporting Pension fraud

$1100.

action

Comr. Pensions

Aug 25 "81

52

S Dist. of Miss

241

Department of Justice.

Received Aug 26, 1881.

Dated: " 23, 188 .

From L. Lea

U. S. Atty

SUBJECT:

Asking instructions relative to prosecution of J E. Garr-elson, of Escatawpa, Miss

ACTION:

To Secy Int Aug 29, 1881.

STEREO'S.

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Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE. 1881

Jackson, [redacted] 1881

Sir,

In examining the papers transmitted to me with your letter of the 13 July, I found that J. E. Garretson was reported by Special Agent Gainey as living at Escatawpa, Alabama. It occurred to me that it would probably be best to sue him in the district of which he is an inhabitant. I therefore deemed it prudent not to include him with the other trespassers against whom I have, pursuant to your instructions, instituted suits. And I have so informed the Commissioner of the General Land Office. There may however be good cause why he should be sued in this district, & if such is your judgement, please advise me & I will at once commence suit against him.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

S Dist. of Miss

242

Department of Justice.

Received Aug 26, 1881.

Dated: " 24, 1881.

From L. Lea

U. S. Atty

SUBJECT:

Relative, proposed bridge across Yazoo river

ACTION:

file

55

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE AUG 27 1881

Jackson, Aug. 24. 1881

Sir,

Since the receipt of your letter of the 30. ult. in relation to the proposed bridge across the Yazoo river at Yazoo City, I have had considerable correspondence with parties interested, which it is hoped will lead to a satisfactory understanding on the subject. I expect to learn the result of pending negotiations to that end in a short time, & if, unfortunately, such understanding shall not be reached, I will take timely action to protect the interests of the United States in the premises.

Very respectfully
L. Lea, U.S. Atty.

The Attorney General
Washington,
D. C.

S Dist. of Miss

247

Department of Justice.

Received Sept 1, 1881.

Dated: Aug 29, 1881.

From L. Lea

U. S. Atty.

SUBJECT:

Requests information as to trespasses &c. Natural Reservation near Biloxi Miss

ACTION:

Copy to Secy Navy
Sept. 2nd 81

57

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE. SEP 7 1881

Jackson, Aug 29 1881

Sir,

Referring to your letter of the 27 ult., instructing me to institute proper legal proceedings against certain parties charged with trespassing on the naval reservation near Biloxi, Miss., I have the honor to request that you cause me to be furnished with an authenticated transcript of the record, showing that said reservation has been made according to law. See Sections 2458 & 2459, R. S. This being a material fact in such cases, it must be duly averred & proved. My request is predicated on the supposition that your instructions contemplate prosecutions for trespasses on a particular reservation as such & as contradistinguished from public lands generally.

The law applicable to the class of cases in view, is contained in Sec. 2461, R.S., & it prescribes a penalty of not less than triple the value of the trees or timber cut, etc. So it is apparent that an Information or Indictment cannot be properly framed

SB

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 188....

without an estimate at least of the number & value of the trees cut &c But the papers accompanying your letter do not suggest even how many trees were cut by either of the three parties charged, nor is there any allusion to the value of the trees. I have the honor therefore to request further, that Special Agent Holbrook or some other proper Agent of the Interior Department, be directed to furnish me with the requisite information on these points

Very respectfully
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

591

S. Dist. of Miss

25½

Department of Justice.

Received Sept. 7, 1881.

Dated: " 3, 1881.

From L. Lea

U. S. Atty.

SUBJECT:

Acknowledging rect. of letter of 30 ult. & forwarding 2 enclosures &c

ACTION:

File

60

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE
SEP 1881

Jackson, Miss. Sep. 3. 1881.

Sir,

I have the honor to acknowledge the receipt of your letter of the 30. ult. & to state that a copy of the letter of Mr. Dreming, therein referred to, has been sent to Hon. J. Z. George at Carrollton, Miss.

Very respectfully
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D.C.

61

So. Dist. of Miss.

Department of Justice.

Received Sept 17 1881.

Dated: " 12 1881.

From Geo. W. Roberts

SUBJECT:

Requests opinion as to whether different states can require parties having patents to pay privilege taxes &c.

ACTION:

Opinion Sept. 19, 1881.

Natchez Miss Sept. 12-1881

Atty-Gen[t] of the U.S. Washington D.C.

DEPARTMENT OF SEP 17 1881 JUSTICE.

I would like to know from you whether the different States can require parties having Patents- to pay privilege taxes for selling their Patented articles or Patent-Rights within said States-

I do not find anything in regard to it in the Patent Law- and would like your official opinion and reference to any law on the subject

Very Respectfully

Geo. W. Roberts

So Dist. of Miss.

267

Department of Justice.

Received Sept 27, 1881.

Dated: ....., 188 .

From Fred Parsons
U S Marshal

SUBJECT:

Report of Prosecutions for violations of U S. laws

ACTION:

Mr Dutton -
To Clerk of Circuit Court
S.D. Miss. Sept. 28, 1881.

STEREO'S. 64

U. S. COMMISSIONER'S REPORT

FOR THE MONTH

of August, 188 7, *of prosecutions for violations of United States Laws, instituted or examined.*

Fred Bowers
U. S. Commissioner,

Judicial District Miss

P. O. Address: Natchez

DEPARTMENT OF JUSTICE
SEP 27 1887

Recd Sept 17. 1887
J M McKee
Clk

For the Attorney General.

INSTRUCTIONS.

This report will be made out in duplicate, one copy for the Attorney General, and one copy for the Clerk of the U. S. Circuit Court, on or before the 5th day of each month.

Upon the receipt of this report by the Clerk of the Court he will note the date of receipt, affix his signature, and after an examination will transmit it to the Attorney General.

REPORT of all prosecutions for violations of United States Laws instituted or

Fred Parsons, *United States Commissioner*, *La*

Post Office address: *Natchez*

NAMES OF DEFENDANTS.	DATE OF COMPLAINT.		NAMES OF AFFIANTS.	DESCRIPTION OF THE ALLEGED OFFENSE.
United States *vs.*				
United States *vs.*				had no case
United States *vs.*				
United States *vs.*				

I HEREBY CERTIFY that the foregoing statement

Dated at *Natchez Miss*

Dec , 188*1*.

ed or examined during the Month of August, 1881, by
Southern Judicial District of Miss
Miss

USE.	DATE OF WARRANT, AND NAME OF OFFICER TO WHOM DELIVERED.	DATE OF EXAMINATION.		RESULT OF EXAMINATION, NAMES OF WITNESSES, AND GUARD, IF ANY.	DETAILED STATEMENT OF ALL COSTS IN EACH CASE.	
se	this year					

tement is correct and true in every particular.

Fred Parsons

U. S. Commissioner.

So Dist. of Miss.

Department of Justice.

217

Received Oct. 11, 1881.

Dated: " 8, 1881.

From S. W. Hurst.

U. S. Marshal.

SUBJECT:

Requests information rel. to letter as to number of Deputies employed &c.

ACTION:

Ans. Oct 11, 1881,
Not copied.

STEREO'S.

44

OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

DEPARTMENT OF JUSTICE.

Jackson, Oct 5th 1881

Dir

From your letter I am somewhat at a loss as to exactly what information you desire Whether you want total number of Deputies employed by me or whether only those employed to serve warrants of arrest. Or Whether Total Fees means from Govt only or includes those earned from Individuals. I have caused to be included all fees earned from U.S. And the Deputies only who served Warrants of Arrest.

Very Respectfully

J W Hunt

U S Marshal

Hon Atty Genl

Washington D.C.

So Dist. of Ulinois

Department of Justice.

Received Nov 7, 1881.

Dated: " " , 1881.

From Ja Lee.

U S Atty.

SUBJECT:

Requests information
rel. to commission of
U.S. Marshal Rauss

ACTION:

Ans Nov. 7. 1881.

STEREO'S.

88-1140

AITY.FOUR.GVT.. JACKSON MISS.NOV.VIITH. SAML.MILLIKEN.

CHF.CLERK. WASHN.DC. HAS COMMISSION OF RAUM MARSHALL BEEN

ISSUED IF SO WHAT IS ITS DATE.ANSWER. L.LET. U.S.ATTY.

XXV COLLECT.GVT. .

So. Dist. of Miss.

Department of Justice.

Received Nov 12, 1881.

Dated: " 8, 1881.

From W. L. Rousse

Us S. Marshal.

SUBJECT:

Rel. to his qualifications

ACTION:

Filed W Devens

STEREO'S.

701

OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, Novr 8th 1881

Hon Wayne MacVeagh
U.S. Attorney General
Washington D.C.

Sir:

I have the honor to inform you that I have today qualified as U.S. Marshal for the Southern District of Mississippi and have entered upon the discharge of the duties of said office and will forward by todays mail to the Comptroller, certified transcripts of my bond, Oath to support the Constitution of the United States, and Oath of Office.

I was born in Jefferson County State of Virginia, but have resided in Mississippi Thirty Three years. Placing myself at your command I am Sir

Yours Most Obedient

William C. Raymond
U.S. Marshal

So. Dist. of Miss.

Department of Justice.

Received Nov 19, 1881.

Dated: " 14, 1881.

From J. S. Attebury.

SUBJECT:

Enclosing receipt of Mail Contractor while Postmaster at Cotton, Miss.

ACTION:

Ans. Nov. 21. 1881.

STEREO'S.

72

So Dist. of Miss

Department of Justice.

Received Nov 19, 1881.

Dated: " 17, 1881.

From Ls Loeb

US Attorney

SUBJECT:

Forwarding copy of letter rel to bridge in process of construction over the river at Yazoo City

ACTION:

W Dutton

To Sec. War Nov. 22/81

STEREO'S.

73

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, Nov. 17 1881.

Sir,

I have the honor to inclose herewith, for your information, copy of a letter addressed by me on the 13. inst. to the Mayor of Yazoo City, in relation to the bridge now in process of construction across the river at that place.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D.C.

74/

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Copy

Jackson, Nov. 13. 1881

D. R. Barnett Esq., Mayor &c
Yazoo City,
Miss.

Sir,

Your letter of the 7 inst. has been received. Considering the apparent unanimity in opinion of those engaged in the navigation of the Yazoo River & of the community specially interested therein, that the bridge across the river at Yazoo City will not obstruct its navigation, & considering further, that, if the bridge shall hereafter prove to be a public nuisance, the Government will have the right to cause it to be abated, I have concluded to take no action for the purpose of preventing its construction unless I shall be otherwise instructed by the Attorney General.

Very respectfully
L. Lea, U.S. Atty.

75

So Dist. of Miss

Department of Justice.

Received Febry 13 1882

Dated: " 8, 1882

From Ls Lea

U S Attorney

SUBJECT:

Transmits information as to prosecutions for violations of election laws

ACTION:

To J.R.C. Hamilton Feby 15. 82

STEREO'S.

76/

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE. FEB 13 1882

Jackson, Feb. 8. 1882

Sir,

I have the honor to acknowledge the receipt of your letter of the 7. inst. inclosing copy of a letter to you from Hon. James R. Chalmers, in which he requests you to furnish him with certain information as to prosecutions for violations of the election laws in such counties of his congressional district as are within the Southern judicial district of Mississippi. The report herewith transmitted contains the information desired by Gen. Chalmers.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General
Washington,
D. C.

77

Report of Luke Lea,
U.S. Atty. South. dist.
Miss. of prosecutions
for violations of election
laws in certain Counties
in 6th Congl. dist. Miss.

Report of the U. S. Atty for the Southern district of Mississippi of prosecutions for violations of the election laws in such of the Counties constituting the Sixth Congressional district of Mississippi as are within the Southern judicial district of said State.

Names of Defendants	County	Offense charged	Disposition of suit.
Wm French	Warren	Omission of duty as officer of election	Verdict not guilty
Luther Reed	"	"	"
David Butcher	"	"	"
M Marshall	"	Procuring officers of election to omit duty	Def. Quashed
A W Brien	"	"	"
W R Grantham	Washington	Neglect of duty as officers of Election	Defendant left State- Nol. pros.
Andrew Jackson	"	"	Plea of Nolo contendre. Fine $50.00 Paid.
Clark Dancy	"	"	"
George Carter	"	"	"
John R Shields	"	"	"
John Compton	"	"	"
J E Hough	"	"	"
J K Ervin	"	"	"

Reuben R Tann	Washington	Neglect of duty as Officers of Election	Plea of Nolo contendere Fine $50.00 Paid
George T Rehn	Adams	Depriving voters of suffrage.	Verdict not guilty
C L Tillman	"	"	"
S S Meakins	"	"	"
John A Dicks	"	"	"
Noah Barlow	"	"	"
Lewis W. Bryan	"	Omission of duty as Officers of election	"
Henry Adams	"	"	"
Frederick Stanton	"	"	"
C S Bennet	"	"	"
W Carter	"	"	"
Geo R Washington	"	"	"
W L Jacksons	"	"	"
W J Berry	"	"	"
Matt Muller	"	"	"
John H Riggs	"	"	"
Andrew Johnson	"	"	"
E B Foster	"	Interfering with Supervisor of Election	"
H Hendrickson	"	"	"

Respectfully submitted.
L. Lea, U.S. Atty.

The Attorney General.

So Dist. of Miss

102

Department of Justice.

Received Feby 23 1882.

Dated: " ", 1882.

From W. R. Ware.

Asst U.S. Attorney.

SUBJECT:

Requesting leave of absence.

ACTION:

file

STEREO'S.

80

Department of Justice,

Washington, Feby 23rd, 1882.

Sir:

I have the honor respectfully to ask for a leave of absence from my official duties as Asst U.S. Atty for the Southern Dist of Miss. I beg leave to state as a reason for such request that my health is far from good, and a change of climate has been advised as necessary. Besides my Court has closed & Reports made, hence have no pressing duties. I would ask for a leave of 30 days.

Very Respectfully

Your Obt Svt

A. R. Ware

Hon. W. H. Brewster
Atty Genl
Washington
D.C.

So. Dist. of Miss.

126.

Department of Justice.

Received March 17, 1882.

Dated: " 12, 1882.

From R. A. Ness.

SUBJECT:

Requests information
rel. to the claim of
Nelson Potter.

ACTION:

Ref. to Sec. of Treasy.
April 5. 1882.

8/

So Dist. of Ills.

141.

Department of Justice.

Received March 27 1882.

Dated: " 25 1882.

From Ls Lea.

U.S. Atty.

SUBJECT:

Receipt of letter rel. to compromise of suit against Frederick Lehrkind.

ACTION:

File

STEREO'S.

83

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE
MAR 27 1882

Jackson, March 25. 1882.

Sir

I have the honor to acknowledge the receipt of your letter of the 22 inst., in relation to the proposition of Frederick Lehr- kind to compromise the suit against him, & to state that I have written to the Solicitor of the Treasury recommending that the proposition be accepted.

Very respectfully
L. Lea, U.S. Atty.

The Attorney General
Washington,
D. C.

84

So Dist. of Miss.

143

Department of Justice.

Received March 29 1882.

Dated: " 28 1882.

From W. R. Ware.

Asst U.S. Atty.

SUBJECT:

Receipt of letter
rel. to his duties
as Asst U.S. Atty.

ACTION:

Ltr — Apt
To G.G. Chandler, Enclosing
Appt of W.R. Ware.
Mch. 31, 1882.

TURN'D.

85

Washington D.C. March 28th 1882

Hon. Benjamin H. Brewster

Attorney General.

Washington

D C

Sir

Your favor of this date is at hand and I fully concur in your views that it is entirely practicable for one Assistant to attend, and discharge the duties of an Assistant in both of the Mississippi Districts

Thanking you for the kindness in which you speak of my having discharged my duties in the past and trusting that your good opinion will prompt me to put forth renewed efforts to maintain that good opinion for the future. I cheerfully accept your assignment to act as Assistant for each of the Districts of the State at the salary as stipulated

Very Respectfully
Your obt. Servant
H. R. Hare

No. 156.

Department of Justice.

Received April 7, 1882

Dated: " 7, 1882.

From H. R. Ware

Asst U.S. Atty.

SUBJECT:

Bleis oath

ACTION:

filed

STEREO'S.

87

OATH OF OFFICE

OF

T. R. Ware
Assistant Attorney
N. & S. Districts Miss.

Filed _____, *187* .

I, H. R. Ware do solemnly ~~swear~~ ~~that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further~~ that, ~~to the best of my knowledge and ability~~, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

DEPARTMENT OF STATE APR 7 1882

H. R. Ware

Sworn to and subscribed before me this seventh day of April, A. D. 1882

L. S.

Will Haight
Notary Public.

So Dist. of Miss.

171

Department of Justice.

Received April 19, 1882.

Dated: " 15, 1882.

From Ls D. E. McVay

SUBJECT:

Rel to Star route cases

ACTION:

W Bliss

file

89

Form No. 44.

NIGHT MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of **Unrepeated Night Messages**, sent at reduced rates, beyond a sum equal to ten times the amount paid for transmission; nor in any case where the claim is not presented in writing within thirty days after sending the message.

This is an **UNREPEATED NIGHT MESSAGE** and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
139	V	Cs	9 Paid Sute

Received at 124 oam Apl 22 1882.

Dated Goodman Miss 22

To Hon B H Brewster

Atty Genl N.

Did you get my letter of fifteenth

Please answer

L D F McVay

1245

565

Goodman

~~Decatur~~ Sta Miss. April 15th 82

Hon. B.H. Brewster

attorney Genl

Washington DC

Dear Sir

I herewith Enclose copies of a late correspondence with the Hon O.D. Singleton from this District and ~~I~~ desire ~~to~~ by to know why the Committee of the ~~Senate~~ House will continue to persecute me when the proofs fully vindicating me have been furnished to the proper authorities at the Department long ago or should have been as they were made before parties authorised by the Dept I have been wrongfully reported perhaps in these as I was ~~convicted~~ convicted in the first my mail has been withheld and ~~mis~~ misdirected in such way to appear what they were not and I thus have been subjected to receive what I have not and as being interested in certain Star Route in this locality which were wholly false as these papers show I have appealed to the President through the Congressman for Justice and I now ~~make~~ make this appeal to you direct ~~I hope~~ it will not be in vain

94

for I have only asked Justice
for wrong done me by Corrupt
officials which has been Continued
by the Consent of the
General Government to an Extent
inhuman in the face of full
proof in my behalf I desire
to visit Washington while these Star
Route cases are upon
trial and will wait your order
at this place until the 25 of this
month hoping you will take a just
and humane view of this case I
Remain your most obt Sv't
L. D. A. McKay

Washington DC June 4th 82

L D T McCay. Major City. Dear Sir

I should have answered sooner acknowledging receipt of papers but but wish to see if anything could be done in the premises I am sorry to find I shall be able to give you no relief in the premises but wish to make one more effort - after the new Regime Comes in I will then Communicate with you giving the result of my labors

In hast Truly yours

O R Singleton

92

Yazoo city miss Jan 9th 82

Hon O R Singleton MC

Washington DC

Dear Sir -

your favor of the 4th inst Just to hand as which you say you have Received the papers - I have not sent you the papers yet - but was waiting to hear from you and your of the 4th inst - is the first I have recived from you - it is possible that papers have been sent - you in my name by Designing parties of which I am unacquainted with their contents that this kind of foul play has been practiced on me for a long time there is not a doubt and I want you for heavens Sake to make Short of this and see to it that Justice is done

If you write me to send

the papers I did not get your
letter, but still hold the papers
and will send them when you
So Instruct hoping To soon
hear from you I remain
Yours Truly E D McCay

Washington DC Jan 14th 82

L D F McGary Esq

Dear Sir

Your favor of the 9th instant and I hasten to say that when I wrote to you if I used the word papers I only meant to say your letter containing Explanation &c, no papers have been sent in your name and your suspicions are groundless. I must confess I have but little hope of securing to you that measure of Justice to which you think you are entitled as the authorities here differ with you in opinion and are not inclined to reverse that decision I will do what I can for you though I fear that is but little. dont send papers now

Yours Respy

O R Singleton

So. Dist. of Miss.

178

Department of Justice.

Received April 22, 1882.

Dated: " 20 1882.

From H. R. Ware.

Asst U.S. Atty.

SUBJECT:

Rel. to the case of
U.S. vs Hurst et al.

ACTION:

Ans. Apl. 25, 82.

So. Dist. of Miss.

178

Department of Justice.

Received April 22, 1882.

Dated: " 20 1882.

From H. R. Ware

Asst U.S. Atty

SUBJECT:

Rel. to the case of
Wm Hewitt et al

ACTION:

Ans. Apl 25, 82.

93

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE
APR 22 1882

Jackson April 20th 1882

Hon Benjamine H Brewster
Atty General
Washington
D.C.

Sir

Referring to the Case of the United States vs. H. L. Hoyt et ab. Recently Removed and Remanded by the Circuit Court, I have the Honor to State, that for many Years Said Case has been under the exclusive Management of Myself and E. E. Baldwin Esq. who has been Retained by the Government to aid me in Conducting the Suit, this grows out of the fact that the District Attorney Judge A. Lea has formerly been So Connected with the Suit that he did not feel Justified in Representing the Government.

Mr Baldwin has I think been fully Compensated by the Government for Services Rendered up to the date, and a Renewal of his Services or that of some other Atty to aid me in the further prosecution of the Case would make it necessary for him to have some agreement in regard to the fee to be Charged. I shall at least Respectfully Recommend

93

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, _____ 188__

Such Case.

As the Case alluded to, is one of much importance to the Government — As it is a peculiarly intricate and difficult one. And as the Defense has employed almost every Attorney at the Bar to aid them I should not therefore feel willing under such circumstances to trust the interest of the Government to myself unassisted. But would respectfully ask that you should designate some Attorney to assist me. As to what Counsel should be employed &c and as to the understanding as to what would be a just fee. I should of course take pleasure in giving my views if desired.

I should be glad if you could have sent me the Opinion of the Court in this Case. also a printed Copy of the Record and the Brief of Counsel if one &c. Conveniently procured.

We have a Term of our Circuit Court Commencing on the 1st Monday of May and while it is by no means a probable case we should be able to have a trial at (any) said Term it is nevertheless highly important to take

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, _____ 188__

Such steps as may facilitate as much as possible the trial of this long delayed and vexatious case.

Refusing again to the employment of Mr Baldwin I would like the liberty of stating that there are reasons for and against employing his services. First having been connected with the case for years he is familiar with its many intricacies. While on the other hand he does not reside in the City, and it would be better in this regard to have an atty with whom I could have more frequent intercourse in the fast fleeting struggle in one likely to have

With great Respect I am

Your Obt Servt

H. R. Hare

Asst U.S. Atty for

Mississippi

95

Ss Dist. of Miss

Department of Justice.

Received April 24, 1882.

Dated: " 23 1882.

From Washington D.C.

SUBJECT:

Requesting information of his letter &c.

ACTION:

Ans. April. 24. 1882.

9/

NIGHT MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS [illegible] on conditions limiting its liability, which have been assented to by the sender of the following message. Beyond the sum of [illegible] at which value it is hereby [illegible] by request, in writing, at the time of filing, and [illegible] per cent. additional on the amount so paid. Errors in Night Messages are guarded against by repeating the message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmitting or delivering Repeated Night Messages, unless [illegible] per cent. additional on the amount paid for the same is paid, nor for errors or delays arising from causes beyond its own lines, nor in any case where the claim is not presented in writing within sixty days after sending the message. The Company is prepared to receive a sum equal to ten times the amount paid for transmission, as above, in case of error in the transmission of any message where the claim is not presented in writing within sixty days after sending the message. The Company is prepared to receive a sum equal to ten times the amount paid for transmission, as above, in case of error in the transmission of any message where the claim is not presented in writing within sixty days after sending the message.

Messages will be received at the Company's Offices for transmission, subject to the following terms, which are agreed to by all persons sending messages:

Ss Dist. of Miss

Department of Justice.

Received April 29 1882

Dated: 26, 1882

From L. Lea:

U.S. Attorney

SUBJECT:

Receipt of letter rel-
ative to purchase of public
land by pre-emption

ACTION:

file

97

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE
APR 29 1882

Jackson, April 26. 1882

Sir,

I have the honor to acknowledge the receipt of your letter of the 23. inst., together with six inclosures, all relating to trespasses on public land by one D. A. Hurlbert.

As there is no doubt of Hurlbert's guilt, I deem it expedient that he be punished & will therefore file a criminal information against him at the May term of court.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General
Washington
D. C.

So. Dist. of Miss.

Department of Justice.

Received May 1, 1882

Dated April 29, 1882

From U. R. Ware

Asst U.S. Attorney

SUBJECT:

Rel. to employment of Counsel to assist in case of Ustus S. S. Court trials

ACTION:

Ans. by telegram May 1, 82

100

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE
MAY 1888

Jackson, April 29th 1882

Hon Benjamin H. Brewster
Attorney General
Washington
D C.

Sir.

I have the honor to acknowledge the Receipt of your favor of the 25th inst enclosing papers as Requested in my letter of the 21st inst

Referring to the matter as to what Counsel should aid me in the trial of the United States vs. D. L. Hartstalk. I would not undertake to say that "Mr Baldwin is not a proper person to Represent the Government." Upon the Contrary he has been active earnest and energetic in the interest of the Government while Conducting this Case. Yet I concur in the views stated in my letter of the 21st and I concur Capt. Wood R. Johnson of Gen. T. J. Wharton of Jackson would be much stronger men before a Court & Jury. I would think however more efficient men to Represent the Government either however would be perfectly satisfactory to me and act in good faith & with ability to the Government Very Respectfully H. R. Howe Asst US Atty

S.S. Dist. of Illinois

Department of Justice.

Received May 2, 1882.

Dated: April 29, 1882

From U.S. Ware

Asst U.S. Atty

SUBJECT:

Case recommended for employment of special counsel

ACTION:

file

Form No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after sending the message. This is an UNREPEATED MESSAGE and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

RECEIVED	SENT BY	RCVD BY	CHECK
55 Chgo	Jm		42 Collect GR

636pm May 1 1882.

Received at Corner Penna. Ave. S. E. Cor. 15th & F" sts., Washington, D. C.

Chas Mason Esq
Chief Clerk Dept of Justice Washington

Official Council required during the
term the necessity you may determine
in the future before Noon Sterne
Should greatly prefer such employment
Returns — accordingly

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE. MAY 2 1882

Jackson, April 29th 1882

Hon. Benjamin H. Brewster
Attorney General.
Washington
D.C.

Sir

Referring to my letter written on yesterday, perhaps you may wish me to be more explicit as to the reasons designated for Mr Baldwin's failure as Counsel in the Case of the United States vs. R.S. Hunt et al.

My judgement would be that Genl. J.J. Wharton for many Years one of the State would be the best selection the Government could make. If his services could not be retained then I should designate Capt. Frank Johnson. both of Jackson. Miss. If however you should think it better to retain Mr Baldwin he will be cheerfully retained by me.

The Mandate has not yet reached the Office and Counsel Chose for a term of Court. Yet would be glad to have some One selected by the Government soon as possible

Very Respectfully your obt Servt
H.R. Pittman atty

104

Office of

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE. MAY 2 1882

Jackson, April 29th 1882

Hon. Benjamine H. Brewster
Attorney General.
Washington
D. C.

Sir

Referring to my letter written on yesterday, perhaps you may wish me to be more. definite as to who I would designate for Mr Baldwins place as Counsel in the Case of the United States vs. R. S. Hunt et al.

My judgement would be that Genl. T. J. Wharton former Atty Gen of the State would be the best Selection the Government could make. If his Services could not be retained then I should designate Capt. Frank Johnson both of Jackson Miss - If however you should think it better to retain Mr Baldwin he will be perfectly satisfactory to me.

The Mandate has not yet reached the Office and Counsel hope for a trial at this Term. Yet would be glad to have Some Counsel designated by the Government Soon as possible

Very Respectfully your obt Servant
H. R. Wilson atty

104

S. D. Dist. of Ills.

249

Department of Justice.

Received June 21, 1882.

Dated: June 15 1882.

From U. R. Ware

Asst U.S. Atty.

SUBJECT:

Requesting increase of salary.

ACTION:

Asst June 21. 1882.

105

File _____

Ans? June 21-82

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, June 15th 1882.

Hon. Benjamin H. Brewster
Attorney General.
Washington D.C.

Sir

I trust you may pardon me for presenting for your consideration a matter personal to myself.

You were kind enough Sir in your order of March 31st to appoint me Assistant U.S. Atty for the Northern as well as the Southern District of the State, with a Salary of $1200 per annum. Since this Order by an Act of Congress the Northern District has been so divided that hereafter we hold Court at Abberdeen as well as Oxford. So that now I attend Court at Jackson Oxford & Abberdeen. My necessary expenses of Board & transportation per annum while attending Court at Oxford, would not be less than $200.00 as Abberdeen is a much greater distance off. the expenses to me for attending Courts there would not be less In view of this additional expense and labor. In view of the fact that I trust and believe that all the Officials of the Government who for years past have had opportunity to watch my Course in the Courts here, will give me credit

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 18.....

for. hing correct. diligent & fearless in the discharge of. my. duty, I. respectfully Submit for your Consideration if $1200 is a. proper. Remuneration for such Services especially. in view of the further. fact. that now, as often times before, I have. the Management of. such important Cases for the Government as that of. U.S. vs. 7th. S. Marshal. It is an argument of. no force. I am aware to State. that heretofore both in the Northern & Southern District the Assistant has received a Salary of $2500- he had the business not greater than now. Yet. when the present expense & labor of the entire State. with its Three Courts. is given to one Assistant. I. respectfully Submit for your Reflection. is $1200 per annum. a fair Compensation for one who. expects to do his whole duty, no matter how disagreeable that duty may be, If upon Consideration you may think. these Reasons demand an increase in my Salary. I should thank you to make Such order in this Regard as you may think just. I regret more than I can Say to trouble you with so. peculiarly a personal matter to myself. but know of no other way to get the facts. to your knowledge

With high Regard I am

Your Obedient Servt.

H. R. Ware

So. Dist. of Miss.

257

Department of Justice.

Received June 21 1882.

Dated: 21 1882.

From U.S. Atty.

SUBJECT:

Forwarding Homestead Application of Thomas L Jackson.

ACTION:

To Secy Int June 30, 1882.

105

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE JUN 29 1882

Jackson, June 26 1882.

Sir,

Referring to your letter of Jan. 31. 1887, I have the honor to return herewith the Homestead Application of Thomas L. Jackson, No. 10716.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General
Washington,
D. C.

So. Dist. of Miss.

284.

Department of Justice.

Received July 6, 1882

Dated: " 3, 1882

From L. Lea

U.S. Atty.

SUBJECT:

Requesting leave of absence.

ACTION:

Ans July 6 1882.

1101

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUL 6 10 JUSTICE.

Jackson, July 3 1882.

Sir,

For reasons which I deem it unnecessary to state, I have the honor to request that I be granted leave of absence from my district for 30 days, beginning say with the 15. inst.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

So. Dist. of Miss.

280.

Department of Justice.

Received July 25, 1882

Dated: 18, 1882.

From H. R. Ware.

Asst U.S. Atty

SUBJECT:

Rel. to compromise of suit of U.S. vs S. S. Mounteleads.

ACTION:

Ref. to Solicitor of Treasury.

July 22 1882

Refer to Solicitor 9/7

112

So Dist. of Miss.

289

Department of Justice.

Received July 31, 1882.

Dated: " 28, 1882.

From U. R. Ware.

Asst U.S. Atty.

SUBJECT:

Rel. to compromise of suit of U.S. vs. S. Hunt et al.

ACTION:

W. Dillon

Refer to Solicitor of the Treasury.

Referred to Sol. Treas. Aug. 7, 1882.

113

So. Dist. of Miss.

301

Department of Justice.

Received Aug 13, 1882.

Dated: " 9, 1882.

From H. Lea

U.S. Attorney

SUBJECT:

Rel. to title to site selected for public building in City of Jackson, Miss.

ACTION:

W. Brantley

Letter to Levy & Lea

Sept. 7, 1882, enclosing papers.

114

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, Aug. 9. 1882.

Sir,

As directed by your letter of the 10. ult., I have examined the title to the site selected for a public building in this city, & have the honor to transmit herewith my report; the Exhibits thereto being inclosed in a separate envelope. The examination proved to be a troublesome & difficult task. Hence the delay in transmitting the report.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

115

Ss. Dist. of Miss.

1/

Department of Justice.

Received Aug 30, 1882.

Dated: 24, 1882.

From J. J. Lamar.

SUBJECT:

Rel. to suit against him for recovery of certain timber cut by Shadrack Jacobs upon public lands.

ACTION:

M. D. Watson

Ansd. Sept. 7, 1882

116/

DEPARTMENT OF JUSTICE

Miss City. Miss.
Aug. 24th. 1882.

To the Hon. Attny. Gen'l. of the U.S.

Sir

Civil suit has been instituted against me for the recovery of the value of 146 pine saw logs cut by Shadrack Jacobs from public lands and ~~Hen~~ 475 logs cut by Henry Jacobs from a homestead [illegible].

I respectfully submit the accompanying statements and affers of Shadrack & Henry Jacobs and pray that the suit may be compromised without further prosecution.

J. J. Conway

So Dist. of Miss.

5-1

Department of Justice.

Received Oct 13, 1882.

Dated: " 10, 1882.

From H. R. Ware.

Asst U.S Atty.

SUBJECT:

Recommends employment of Mr Baldwin to assist in suit of U.S. vs. F. S. Hunt et al.

ACTION:

File

STEREO'S.

W. R. Dutton Esq
Asst. Chief Clerk
Dept of Justice

1178

Mr. Dutton:

For certain reasons it was deemed advisable on the former trial of this case not to entrust it to the U.S. Atty. The same reasons still exist. Mr Baldwin was employed to assist Asst. Dist. Atty Ware on that trial and gentlemen who were present at the trial from the Treasury Department say that he conducted it efficiently and appeared to be familiar with the issues involved

I dont think the case will be thoroughly tried unless assistance is furnished. If it is worth trying at all it is worth trying well, and it seems to me that, owing to his present familiarity with the case, Mr Baldwin is the man that should be employed, if anyone.

Very Respfy

Chas Chesley

Sow Dist. Ref

Oct 16. 1882

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, Oct 10th 188

Sir

Referring to your Dispatch, and correspondence heretofore had in Reference to the employment of Counsel to aid me in the further prosecution of the Suit of United States vs. F. S. Hunt et al. I have the honor to State that I have in obedience with your Request conferred with Counsel as to what Compensation they would expect to aid me in such Suit. The firm of F. L. & F. A. R. Wharton of whome I wrote would expect a Compensation of Five Hundred Dollars as a Retainer and 5 pr Cent upon whatever amount might be collected on said Suit. Enclosed is their letter Mr Baldwin who has heretofore been associated with me in this Suit and who has been paid for his Services up to this time, will charge for the further prosecution of the Suit, to its Termination and to be paid at that time, the Sum of Six

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

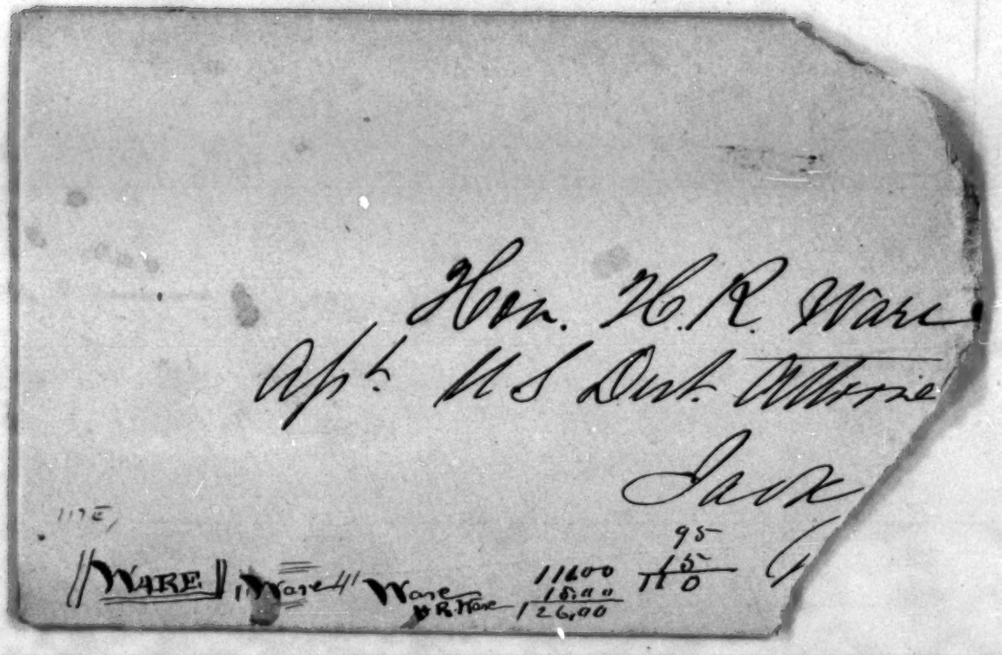
Jackson, ... 18....

Hundred Dollars. In view of the fact that the Mandate of the Supreme Court has Recently been Received, and there must be Speedy preperation to try this Cause at the November Term, and that Mr Baldwin is entirely familiar with the Records and history of this intricate and Voluminous Case I think it best under these Circumstances to Retain his Services. If this meets with the Approval of the Department I Shall be glad if at once you will advise Mr. Baldwin or myself of his employment.

Very Respectfully
Your obt Servt
H. R. Ware
Ass't U.S. Atty

Saml Mulligan Esq
Chf Clk. Department Justice
Washington
D.C.

HRW/


Hon. H.R. Ware
Apt. U.S. Dist. Attorney
Jack
WARE
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Ware
H.R. Ware
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18400
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15
110

Jackson, Mich, June 15th 1882

Hon H. R. Ware,
Dist. U.S. Dist. Mich. Ed.

In answer to your inquiry upon what terms my firm, O. F. & A. R. Wharton, would give their joint services, on behalf of the Govt, in the suits now pending in the Dist. Courts of the U.S. at this place, in which the U.S. are Plffs & the securities on the bond of F. S. Bunt, as Collr. of Int. Revenue, are Defts. we would engage to do so for a cash retainer fee of $500 and 5 per ct additional, upon the amounts recovered by suit, or paid on compromise. Where amounts are much less than one half according to established custom the prospects. In the Direct Collection cases, 10 per ct is charged upon the amounts recovered by suit, or paid on compromise — and the same, if claim is paid on presentation, without any legal proceedings. When the litigation involves abstruse questions of law & conflict of evidence, it is always a matter for Special contract much higher rates. It is a rule of the profession to require a retainer in cash.

Very truly Yrs
O. F. & A. R. Wharton
per O. F. Wharton

117F

S. D. Dist. of Miss.

5-3

Department of Justice.

Received Oct 16, 1882.

Dated: " 12, 1882.

From H. R. Ware.

Asst U.S. Atty.

SUBJECT:

Rel. to request for employment of special counsel in suit of U.S. vs T. S. Hunkehaf.

ACTION:

File

117G

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, Oct 12th 1882

Sir

Referring to my letter of Oct 10th Concerning the employment of Counsel to aid me in the Suit of U.S. vs. F. S. Hart et al. I have the honor to say that I learn that the Sureties on said Bond will in a few days make a proposition to the Hon Solicitor of the Treasury to Compromise said Suit upon the terms as Recommended by the District Atty in a letter to the Hon Solicitor on the 16th day of August 1882

Under these Circumstances I should advise with holding the employment of assistant Counsel until it be determined if or not said proposition will be accepted

Very Respectfully
Your obt Servt.
A. R. Ware
Ass't U.S. Atty

Jas. Mulligan
Chief Clk. Department Justice
Washington D.C.

S. Dist. of Mississippi

Department of Justice.

3

Received Oct 26, 1882

Dated: " 27, 1882.

From L. Lea,

U.S. Attorney.

SUBJECT:

Rel. to assassination of Dr. Isaac P. Clayton, a British subject.

ACTION:

Mr Hutton

To Secy. State. Oct. 30th 1882

118

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, Oct. 22. 1882.

Sir,

I have the honor to acknowledge the receipt of your letter of the 5. inst. inclosing copy of a letter to you of the 3. inst. from the Secretary of State, also copy of a letter of the 19. ult. addressed to the Secretary of State by the British minister resident at Washington, annexed to which is a Statement by William Collins, of Holmes County, Mississippi; all relating to the assassination of Dr. Isaac B. Clayton, a British subject, near Goodman, in said County, on the 28. of August last.

As directed by you, I have diligently endeavored to ascertain the facts concerning the killing of the said Clayton. To this end, I addressed a circular letter to several citizens of Holmes County & have conversed with divers persons, including the Governor of the State. A copy of said letter & the answers thereto, are herewith inclosed.

From the best information I have been able to gather, the facts concerning the killing of Dr. Clayton, so far as they are material to the purpose of the inquiry

119

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 18 .....

you have directed, may, I believe, be correctly stated as follows:

The killing occurred about a mile from Goodman, Holmes County, Miss., on the 28. of August last, & was an act of dastardly assassination.

The Mayor of Goodman, coroner ex officio, promptly summoned a jury of inquest, by which the case was investigated & a verdict rendered, to the effect, that the killing was done by some person or persons to the jury unknown. No other verdict could have been rendered, for the reason that no witness appeared before the jury who was able or willing to make oath that any particular person was a party to the crime, & for the same reason, no arrest could be legally made. It is alleged that the inquest was not properly conducted. But the preponderance of testimony strengthens the legal presumption that the Coroner & jury performed their duty to the best of their ability.

The fact that Dr. Clayton was a British subject

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 18 .....

had nothing to do with his assassination. From various causes, which it is unnecessary to mention, he was obnoxious to the community in which he lived. He had numerous enemies & but few friends. There is however no evidence that more than two persons were, in any way, parties to his assassination. The assertion of Mr. Collins, that "the whole town" of Goodman was in the conspiracy to murder Clayton, was, no doubt, rashly made & is utterly incredible. It is equally extravagant to suppose that any considerable portion of the people of Holmes County are in sympathy with his murderers. The inclosed article, clipped from a newspaper published at the county seat of said county, expresses the popular feeling in regard to the crime. Public sentiment will sustain the authorities in earnest efforts to bring the criminals to justice.

As to the alleged barbarity in connection with the burial of Dr. Clayton's body, my information is, that so much of the grave yard as is inclosed, is private property, the owners of which objected to

121

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 18 .....

the interment of the body among the graves of their relatives. It was therefore buried outside of the inclosure, where a number of other bodies have been interred.

Under the constitution & laws of Mississippi, the circuit court of Holmes County has exclusive jurisdiction to try & punish parties for high crimes committed in the County. No term of that court has been held, & consequently no grand jury for the county, has been impaneled since the killing of Dr. Clayton. The next term of said court will commence the 4. Monday in November, when a grand jury will be impaneled, for the first time, charged with the duty of investigating this case. That the investigation will be faithfully & thoroughly made, may be confidently expected, especially as I am authorized by the Governor to say, that he will instruct the prosecuting officer for the State to have summoned as witnesses before the grand jury all persons from whom

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 18 .....

it may be supposed any material evidence can be obtained. Mr. Collins will be one of the number thus summoned. The Governor authorizes me to say further, that if the grand jury fails to indict the murderers of Dr. Clayton, he will offer a reward for their apprehension etc. Upon the whole, it seems to be safe to assume that all due efforts will be made to ferret out the assassins of Dr. Clayton & subject them to the extreme penalty of the law.

Very respectfully,
L. Lea, U.S. Att'y.

Hon. William A. Maury,
Acting Attorney General
Washington,
D. C.

S. Dist. of Ulias.
Dec 14/82

123.

Department of Justice.

Received Dec 13 1882.

Dated: " 7, 1882.

From Jo Shea.

U.S. Atty.

SUBJECT:

Report of prosecutions for violations of election laws

ACTION:

Com Lemmon

+ Gen'l Special

case.

STEELE'S. 124

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF
DEC 13 1882
JUSTICE.

Jackson, Dec. 7 1882

Sir,

I have the honor to submit the following special report of criminal prosecutions for violations of the election laws, instituted by indictment, at the November term, 1882, of the U.S. district court, to wit:

Defendants.	Offense charged.
James H. Llewellyn	Preventing J. M. Granberry, supervisor of the election holden, Nov. 7., 1882, at Dry Grove, Hinds Co., Miss., for representative in Congress, from the performance of his duty, by forcibly & wantonly removing the ballot box out of the presence & from under the observation of the said Granberry before the ballots deposited in said box had been counted.
W. Sutherland, Walter Watts, John Massey, Thomas Grafton, Frank Dicks,	Preventing, by force, threat & intimidation, Joseph Lindsay & five others, qualified voters, from freely exercising the right of suffrage at the election holden, Nov. 7. '82, in Madison Co.

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OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 18 ....

John Tucker,
James Grafton,
Felix Holliday,
Miles Grafton,
William Saunders,
Dewitt Holliday &
Frank Wills.

Miss. for representative in Congress.

The counties of Hinds & Madison are in the 7. congressional district in this State. Ethel Barksdale, democrat, & James Hill, republican, were the opposing candidates for congress in the district, & for several days after the election rumors were rife of manifold violations of law to the prejudice of the republican candidate, who, it appeared, had been beaten by a large majority. The rumors, however, were unsupported by available evidence to any considerable extent; but few witnesses being found able to testify to specific & material facts. Mr. Hill & some of his most active friends, although they insisted that numerous frauds had been committed in connection with the election & that his defeat was effected by lawless means, were nevertheless opposed to any in-

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 18 .....

vestigation of the alleged violations of law. They urged that such investigation would be productive of evil rather than good, because, as they assumed, no convictions could be obtained. It was not for me to act on this view of the subject. On the contrary, I deemed it my plain duty to bring all cases to the attention of the grand jury, which, from the information I had received, seemed to require investigation, & the result was the indictments above reported. It is possible that further developements may lead to other indictments of like character, at the next term of court. But the precinct supervisors of election have reported to the Chief Supervisor, with almost entire unanimity, that the elections at which they officiated, were legally & fairly conducted.

It was not practicable to bring to trial at the late term of court any of the defendants above mentioned. The capias, as to two of them, Felix Holliday & Frank Mills, has been returned, not found. The others have all been arrested & are under bond for their appearance at

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, ... 18....

the next Jany. term of court.

I inclose herewith a printed copy of a letter addressed by me to the Chief Supervisor of Elections for this judicial district & of the "additional instructions" issued pursuant to my request. The object of my letter was to prevent apprehended frauds, for which the adjournments of the boards of election inspectors afforded convenient opportunity.

Very respectfully,

L. Lea, U.S. Atty

The Attorney General,

Washington,

D. C.

ADDITIONAL INSTRUCTIONS

—TO—

U. S. SUPERVISORS OF ELECTIONS.

SIRS:—Referring you to the annexed letter from Hon. Luke Lea, United States Attorney, you are hereby directed to conform your official action to the views therein expressed. Should attempts be made to interfere with you in the discharge of your duties, you will at once make report to me of the facts, to the end that the guilty parties be proceeded against according to law.

J. M. McKEE

Chief Supervisor of Election, Southern District of Miss.

JACKSON, MISS. NOV. 4, 1882.

OFFICE UNITED STATES ATTORNEY,
SOUTHERN DISTRICT OF MISSISSIPPI,
Jackson, Mississippi, Nov. 4, 1882

James M. McKee, Esq, Chief Supervisor, Etc:

SIR—Under instructions which have been given me by the Attorne y General of the United States, I deem it my duty to advise and request, that the attention of the Precinct Supervisors of Election be particularly directed to their duty in regard to the supervision of the ballot boxes. The law of the United States requires each Supervisor to take care that the ballot box used at the precinct for which he is Supervisor, shall be kept at all times in his presence and under his observation, and it is especially important that this shall be done during the adjournments of the Boards of Election Inspectors.

The violation of this duty will subject the offender to criminal prosecution in the United States Court, and any attempt to prevent its faithful performance, will be an offense punishable in like manner.

Very Respectfully,
L. LEA, U. S. Attorney.

129

So. Dist. of Miss.

1882

Department of Justice.

Received Jany 22, 1883

Dated: " 17, 1883

From Ls. Shea.

U.S. Atty.

SUBJECT:

Requests employment of Operatives A. F. Wild &c. in investigation of violations of Revenue laws ACTION:

M Cameron

Answered Jan. 24, '83, and to Secretary Treasury and Aza F. Wild

(30-

Oil-butts, 10 gallons	no.	
Oil-carriers	no.	
Oil-strainers	no.	
Dripping-pans	no.	
Funnels	no.	
Oil-measures, sets	no.	
Dripping-buckets	no.	
Trimming-tray	no.	
Lamp-feeders	no.	
Rouge boxes	no.	
Whiting boxes	no.	
Wick boxes	no.	
Wick measures	no.	
Tin pumps	no.	
Wick mandrels	no	
Service boxes	no.	
Flat rouge-pans	no	
Dust-pans	no.	
Match boxes	no.	
Spirit levels large	no.	
Spirit levels, small	no.	
Spirit levels, circular	no.	
Steel squares, 2-foot	no	
Chimney lifters	no	
Soldering irons	no.	
Soldering furnace	no	
Glazier's pincers	no	
Glazier's knives	no	

Mr Brooks Please return the packet. D C

Brewster Cameron Esq

my dear Sir

It is the opinion of the Asst Solicitor that Mr Wild's services can be utilized only by his asking for leave of absence without pay or allowance of any kind pending his work in the Ute cases.

Mr Wild would have to receive in addition to all other expenses his per diem compensation under this decision.

I am willing to have the man for the work should you desire him on the condition named

Very truly yours

James J Brooks

OFFICE OF THE

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE JAN 22 1883

Jackson, Jan 17. 1883

Sir,

The cases of W. Sutherland & others, indicted, as reported to you, on 7. December, of intimidating voters, are set for trial on 11. February. All the witnesses upon whose Evidence the indictments were found, are persons of color. I do not think it will be safe to rely on their evidence alone to secure the conviction of the defendants. To accomplish this result, it will be necessary to produce reputable & unimpeachable white witnesses by whom the guilt of the defendants can be proved. There are doubtless a considerable number of such witnesses in the community in which the offences charged were committed. But, for reasons which will readily occur to you, they cannot be found otherwise than by the employment of a competent agent, charged with the duty of discovering who they are. I therefore earnestly request that you cause some reliable agent to be promptly employed to collect the necessary evidence in these cases & report to me without delay. I conversed yes-

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OFFICE OF THE

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, _____ 188__

terday with Mr. Aza T. Wild, Operative of the Secret Service Division, Try. Dept., & as he is well posted in the matter, I suggest that it would be judicious to have him selected for the service in view.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General
Washington,
D. C.

S. D. Dist. of Miss.

35

Department of Justice.

Received April 19 1883.

Dated: " 16 1883.

From L. L. Lea.

U. S. Atty.

SUBJECT:

Requests opinion rel. to the case of U. S. vs Herman Davis.

ACTION:

Mr Hutton

Ans. Apl-20-83

134

OFFICE OF THE

UNITED STATES ATTORNEY,

Southern District of Mississippi,

DEPARTMENT OF JUSTICE. APR 19 1883

Jackson, April 16. 1883.

Sir,

At the last term of the U.S. district court for this district an indictment was found against Herman Deniv, charging him with having received unlawful compensation for the prosecution of a pension claim. A motion to quash the indictment was entered & without action thereon, the case was continued to next term of court, which will commence the 1. Monday in May. A copy of the indictment & motion is inclosed herewith.

The material facts in the case are these:
In July, 1880, D. T. Boynton, U.S. Pension Agent, issued his check on the Assistant Treasurer of the United States, N.Y., for $515 67/100 payable to the order of Caroline Reynolds. The check was for arrears of pension allowed to her as the widow of Levi Reynolds, private in Co. K, 5 Regt. U.S. Col. Hy. Artly. The allowance was erroneously made as Caroline Reynolds had been dead more than a year. Sometime in the Spring of 1881, the check, after passing through several hands, came into the possession of Deniv,

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OFFICE OF THE

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, _____ 188__

who endeavoured to get it cashed, but he failed to do so, because the payee of the check was not produced & identified. Shortly thereafter a woman appeared who falsely personated Caroline Reynolds & employed Denio to procure the payment of the check, which he effected through a bank in Vicksburg; & for his services in that behalf he received $175, given to him, he says, by the woman. There was no previous contract between them as to his compensation.

Such being the facts, they present a singular state of case, hence the singular phraseology of the indictment — "in the name & as for the use of Caroline Reynolds," — which seemed to be appropriate in order that the allegata & probata should correspond.

The indictment is under Section 5485 of the Revised Statutes, & it is a question whether Denio, in procuring the payment of the check, was "instrumental in prosecuting a claim for pension", within the purview & meaning of that section.

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UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, _____ 188__

But all the questions in the case may be comprised in one: Is the indictment valid & sufficient? Denio, by his counsel, has proposed that this question be submitted to you, & that your opinion thereon shall dispose of the case; it being understood that he is to plead guilty, if you consider the indictment good, & that I am to dismiss the case, if you consider the indictment bad. It would have hardly been prudent for me to reject the proposition, & I assented to it, for the reason, mainly that it provides for a satisfactory disposition of the case, whereby a considerable expense may be saved to the Government. Besides, if the facts above stated do not constitute a violation of the law contained in Sec. 5485, R.S., it is due to Denio that the case shall not be further prosecuted. To this point, which is the main one in the case, your attention is particularly invited.

If you deem it proper to entertain the question submitted, I respectfully request that your

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OFFICE OF THE

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, ... 188__

opinion be communicated to me at your earliest convenience.

I have the honor &c.

L. Lea, U.S. Atty.

The Attorney General
Washington
D. C.

135

Copy

United States
vs.
Heman Denio

Indictment &
Motion to quash

Copy

In the district court of the United States for the Southern district of Mississippi. At the January term thereof, 1883.

The grand jurors of the United States of America, duly elected, impaneled, sworn & charged at the term aforesaid of the court aforesaid to inquire in & for the body of the district aforesaid, on their oath present, that heretofore, to wit, on or about the 20. day of July, 1881, in said district & within the jurisdiction of this court, Heman Denio, for his services & instrumentality in prosecuting a claim for pension against the United States in the name & for the use of Caroline Reynolds, widow of Levi Reynolds, private in Company K, 5. Regiment, United States Colored Heavy Artillery, unlawfully, did then & there receive & detain a greater compensation than is provided in the Title pertaining to pensions in the Revised Statutes of the United States, to wit, the sum of $175.00, contrary to the form of the statute in such case made & provided & against the peace & dignity of the United States.

L. Lea, U.S. Atty.

United States
vs.
Heman Denio.

And now comes the said defendant in his own proper person & by Atty. & moves the court to quash the indictment herein for the following reasons:
1st The said indictment does not sufficiently inform the defendant of the nature & cause of the accusation against him.
2nd. The said indictment does not show with sufficient clearness what claim was prosecuted, & does not show for whom it was prosecuted.
3d. The said indictment does not show from whom the said supposed excessive fee was received.
4th The said indictment does not show that the defendant prosecuted any claim before the Commissioner of Pensions, nor as the Agent or atty. of person.

A. W. Brien
F. M. Miller
for defdt.

So Dist. of Wisc.

44.

Department of Justice.

Received April 24, 1883.

Dated: 20, 1883.

From W. N. King.

SUBJECT:

Requesting copy of compromise in case of D. A. Haulbert.

ACTION:

M Perry -

Ans Apr. 24. 1883.

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DEPT OF JUSTICE APR 24 1883

Meridian Miss.,
April 20th, 1883.

Attorney Genl, U.S.

Dear Sir:-

I learn that you have made a compromise with D. A. Hulbert. I am counsel for T. A. Smith in the case of Hulbert v. Smith, a case growing out of the the same offense committed by Hulbert and a copy of the compromise entered into by Hulbert is of important consequence to my case. Would you do me the favor to send me a copy?

Very Respectfully
Wm. A. King

DUMMY JACKET

S. Dist. of Mississippi

Department of Justice.

Received: May 12/83

Dated: May 8/83

From: W. C. Raum

U. S. Marshal

SUBJECT:

Furnishing explanation of accounts for transportation of prisoners from Jackson to penitentiary at Chester, Illinois.

ACTION:

Answd. May 31/83

14-A

186. Mr Cameron.

Mississippi. S. D.

U. S. Marshal

V. C. Rawn.

Transportation Expts

Refused.

May 31. 1883

Filed.

Issued May 31 do

OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

DEPARTMENT OF JUSTICE MAY 12 1883

Jackson, May 8th 1883

How Attorney General of the U.S.

Washington City, D.C.

Sir; I have the honor to acknowledge the receipt of your letter of April 16th, and have delayed my reply until the May Term of the Court, when I could have the two accounts for transportation of US prisoners referred to the Court for approval—

I herewith enclose the account for the transportation of Wm Holmes to the Penitentiary at Chester Ills, in February 1883, with an affidavit of the deputy marshal attached, setting forth the facts connected with the trip, and his reasons for returning by way of St Louis, together with the vouchers taken for monies paid out, and the receipt of the warden of the Penitentiary at Chester Ills, which have been examined and approved by the Court, and which I hope may be satisfactory.

I also return you herein my account for transportation of Jane Mosby, Wm Clarke, Henry Brumgarden, W H Langer and

OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, 188

James a Robinson, from Jackson Miss & Clusta Ills, re-stated as far as I am able to do so in accordance the annual instructions sent from the Department of Justice, which account has been approved by the Court, together with the vouchers, and duplicate receipt of the Warden of the Penitentiary for the bodies of the prisoners.

I was under a misapprehension of the meaning of your letter of august 17th to which you referred, and had this account presented to the Court with the Marshals account for Fees & Expenses at the November Term 1882. It was taken charge of by the Clerk of the Court and by him sent to the auditor of the Treasury, and by the Auditor of the Treasury sent to the Department of Justice for approval.

Previous to your letter of August 17th there is no letter of instructions on file in this Office, requiring the Marshal to have accounts for transportation of prisoners submitted to the Court, before first being

OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, 188

approved by the attorny General, This fact led to the oversight alluded to. There was no intentional disregard of an order from the Department of Justice.

In order that you may fully understand the case I will state that I left Jackson with the five prisoners and two guards on the afternoon of the 10th at 4 o'clk, and that at Jackson Tennesee we were detained 12 hours not having made Connections. That on reaching Cairo, we could not get to Chester by any route except by Carbondale, the Short line and Narrow gauge roads both being under Water - We were detained 12 hours at Carbondale, then took a road which carried us to Pinckneyville, where we were again detained until 11 o'clk and did not reach Chester until ten o'clock. I had reason to believe that if I attempted to return in the same way that I went, that the detentions would be longer than in coming to Chester, and that it would save money and time to return by way of St Louis. As I

OFFICE OF

4

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, 188

Took steam boat to St Louis (could not go by rail on account of overflow on two roads above mentioned and returned from St Louis to Jackson in the shortest time possible to do so.

I am very Respectfully

W C Rainey US Marshal

So Dist Miss

Mr. Haight.

D. ans

W. A. R.

In your reply, please quote above initials.

Treasury Department, U.S.

FIRST AUDITOR'S OFFICE,

March 9th, 1883.

Sir

The Enclosed Acc^t of W. C. Raum Esq^r U. S. Marshal for the Southern District of Mississippi for transporting Prisoners Ed Combs to Penitentiary at Chester Illinois June 10th 1882 is transmitted for your approval.

Respectfully

R. M. Runnels

First Auditor

To Hon Benj^a H. Brewster

Attorney General

Department of Justice

Washington D. C.

S. Dist. Miss.
U. C. Raines.
U.S. Tru.

Letters in rel. to acct.
for transportation of prisoner
from Jackson to Ran.
at Chester, Ills.

Ans. Apr. 16/83
acct. retd to Marshal.

OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, April 13th 1883

DEPT. OF JUSTICE. APR 16 1883

Hon B H Brewster
Attorney General
Washington D C

Sir:

On the 7th of March I forwarded to your department for approval, my expense a/c for Transportation of US Prisoner, Wm Holmes to Chester Ill Penitentiary. Not having rec'd a report on the same, I am afraid it miscarried in the mails, and I write now to enquire whether or not it did, as I wish to have the account presented to the May Term of our Circuit Court for its approval.

Respectfully
W C Ramsey
US Marshal

S. Miss.

W. Raum

US Marshal.

Rel transhortation

prisoner

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OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, March 7th 1883

Hon [illegible] Brewster

DEPT
MAR 12 1883
JUSTICE.

Attorney General

Washington D.C.

Sir: I send herewith my apt for transportation of As Ousmer, Wm Holmes from Jackson Miss to Pontotoc at Chester Illinois, for your approval.

In explanation of this account I have to say, that I could not get through tickets to Cairo, from there to Chester had to pay at local rates. The Deputy had to lay over at Duquoin from evg of 24th to morg of 26th on account of detention on that Line R R & further because no Trains run on Sunday on the R R from Pinckneyville to Chester.

The high water at & around Cairo rendered a return by rail dangerous from fact that R R track was under water for more than 6 miles & rising. He therefore determined to return by water, and in order to get a through boat to Vicksburg, had to go to St Louis, as the through boats do not stop at Chester unless they have passengers or f[illegible]

OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, 188

My deputy proceeded to St Louis at once & took the first boat for Vicksburg on the [illegible] 27th, the "City of Providence."

Respectfully
W C Rainey
US Marshal
So Dist Miss

S. Mississippi

W. Raum.
U.S. Marshal.

Receipt for prisoner

OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, March 7th 1883

DEPT. OF JUSTICE MAR 10 1883

Hon B H Brewster,

Attorney General

Washington City D.C.

Sir:

I have the honor herewith to enclose receipt of the Warden of Illinois Penitentiary at Chester Ill, for the body of Wm Holmes convicted at the January Term 1883 of the U.S Dist Court for the Southern Dist of Miss for stealing from the U.S Mails

Respectfully

W C Raney U.S Marshal

So Dist Miss

So Dist. of Wisc.

83.

Department of Justice.

Received May 25, 1883.

Dated: " 22, 1883.

From Hs Hsea.

U.S. Atty.

SUBJECT:

Receipt of papers in pension claim of Susan Spurlock

ACTION:

Filed.

STEREO'S.

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OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF
MAY 25 1883
JUSTICE.

Jackson, May 22 1883

Sir,

I have the honor to acknowledge the receipt, this morning, of your letter of the 19. inst. instructing me to institute criminal proceedings against John M.H. Martin for violation of Sec. 5485, R.S. in withholding pension money from Susan Spurlock. From the papers accompanying your letter, it appears that Martin is guilty of an unconscionable fraud upon a pensioner of the Government, & as the grand jury for the present term of court has been discharged & another will not be impaneled until the Nov. term, I deemed it proper to file at once an information against him. A warrant for his arrest is in the hands of the Marshal.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D.C.

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So. Dist. of Miss.

151.

Department of Justice.

Received July 10, 1883.

Dated: " 6, 1883.

From L. Lea.

U.S. Atty.

SUBJECT:

Requesting leave of absence.

ACTION:

Ans. July 11, 1883

STEREO'S.

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OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

DEPARTMENT OF JUSTICE
JUL 10 1883

Jackson, July 6. 1883.

Sir,

This debilitating climate is affecting my health so injuriously that I greatly need a change of air, & I propose spending a few weeks in the mountains of East Tennessee. I have therefore the honor to request that I be granted leave of absence from my district for 30 days, commencing, say, the 15. of this month. Nothing is likely to occur that will require me to be here during the time mentioned, & I will make such arrangements as will prevent injury to the public service in consequence of my absence.

Very respectfully,
L. Lea, U.S. Atty.

The Attorney General,
Washington,
D. C.

So (Dist. of Utica.

230.

Department of Justice.

Received Aug 31, 1883.

Dated: April 1, 1883

From Brewster Cameron

General Agent.

SUBJECT:

Enclosing letter from Luke Lea, U.S.R. Ward, & other papers, rel. to the reported unfitness of W.S. Fitzgerald for position of Asst Justice of Arizona.

ACTION:

Mr Cameron -

File

STERLING.

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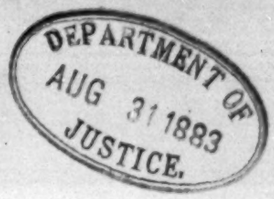

Jackson, Mississippi.

April 1, 1883.

The Attorney General:

I have the honor to enclose herewith for your information, letter of Luke Lea, Esq., United States Attorney for the Southern District of Mississippi, of even date with this, together with enclosures therein referred to; also letter of H. R. Ware, Esq., his Assistant, also dated at this place (Jackson, Mississippi) this date; both letters referring to the subject of my inquiry made in obedience to your directions, concerning the reported unfitness of W. F. Fitzgerald, Esq., of Vicksburg, Mississippi, for the position of Associate Justice of the Supreme Court of Arizona.

I have the honor to be, very respectfully,

Your obedient servant.

Brewster Cameron,

General Agent Department of Justice.

Mr. York =

Copy these two letters carefully on typewriter;

~~After that hand all of the enclosures to the Attorney General~~

DC

Preserve these also.

Fitzgerald, Esq., of Vicksburg, Miss., and that you have letters of his in your possession, touching upon the matter above referred to, which will satisfy the Honorable the Attorney General of the United States, that Mr. Fitzgerald is an unfit person for appointment to the position of Associate Justice of the Supreme Court of any of the Territories, notwithstanding his superior recommendations for such appointment.

In obedience to instructions from the Attorney General, that I inquire into

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, April 1 1883

L. Lea, Esq.,

Attorney, Jackson, Miss.

Sir =

One of the most prominent of the Federal officials in this State, who is believed to be entirely trustworthy and reliable, has informed the Department of Justice, through one of its agents, that you have had business transactions with W. T.

OFFICE OF THE

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, ____ 188__

this matter, I have to request that you will address to him a statement of the facts, accompanied by a copy of this letter, together with copies of all correspondence between Mr. Fitzgerald and yourself, concerning the ~~matter~~ subject of this complaint, - which, I beg to inform you, was the matter of a loan of $50.00 to J. L. Lake, jr., late U. S. Marshal for the Southern District of Mississippi, said loan being an advance of the above sum upon a draft, drawn by Mr. Lake upon Fitzgerald and accepted by him.

It is stated that the circumstances attending the refusal of Mr. Fitzgerald to pay this ~~draft~~ acceptance show him to lack the moral character so essential in a Judge, therefore I respectfully request that you immediately furnish the Attorney General with a ~~report~~ detailed statement of the facts.

Very Respectfully

Brewster Cameron,

Gen'l Ag't Dep't of Justice

OFFICE OF THE

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, April 1. 1883

Sir,

Referring to the copy herewith of a letter to me from Brewster Cameron Esq., I have the honor to submit the following statement of facts in relation to Gen. W. F. Fitzgerald's acceptance of a draft for $50, drawn on him by J. L. Lake Jr., & which I now hold. The draft was cashed by me as a favor to Lake, upon his assurance that Fitzgerald had authorized him to say that it would certainly be paid at maturity. Shortly thereafter I caused the draft to be presented to Gen. Fitzgerald for payment, when he said he would be in funds in a few days & would pay it. After a delay of several weeks, I wrote to him, calling his attention to the matter & requesting payment. He answered that he was about to leave for Chicago & would pay on his return. A month or so after his return I wrote to him again, reminding him of his promise & requesting payment. To this letter I received no answer. After

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OFFICE OF THE

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, _____ 188__

another delay of several weeks, I wrote to him a third time, urging him to remit the amount he owed me, as I greatly needed the money, & expressing the hope that he would at once do so, & thus save us both from any further trouble. Each of my letters to him was respectful & contained nothing that ought to have been considered offensive. His answer to my third letter was of such a character that I have preserved it as a curiosity. A copy of it & of my reply are herewith submitted, as are also copies of the draft & a letter from Lake to Fitzgerald, which the latter handed back with the draft when it was presented to him for payment.

Very respectfully,

L. Lea.

Hon. B. H. Brewster,
Attorney General.

1811

Accepted (signed) W. F. Fitzgerald

Vicksburg, Miss., April 12th, 1880

Thirty days after date pay to the order of myself Fifty Dollars and charge to acct of

(signed) J L Lake, Jr

To
W. F. Fitzgerald,
Vicksburg, Miss.

(Endorsed as follows:)

Pay Hon. Lake Lea or order

(signed) J L Lake, Jr.

Attest:

Jackson, Miss., April 1, 1883

The above is a true and correct copy of the acceptance of W. F. Fitzgerald for $50, in the possession of L. Lea, Esq., U.S. Atty., Jackson, Miss.

Brewster Cameron,
Genecial Ag't Dept of Justice

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(Copy of letter Mr. Lake handed U.S. attorney, Lea, with acceptance referred to on foregoing page, for $50.)

United States Land Office.

Jackson, Miss, May 13, 1850.

My Dear General:

Our mutual friend, Judge Lea, has kindly cashed your acceptance and I have assured him that it could not possibly cause him any inconvenience, because you promised to meet the paper promptly.

But for the judge's assistance, I should have been greatly embarrassed and subjected to loss.

Wishing you success, I am

Your friend, Lake.

Gen. Fitzgerald:

Should be glad to hear from you. Address Jackson, Miss. My mail will be forwarded.

L.

(Copy of letter of W. F. Fitzgerald to L. Lea.)

Bolton, Miss., Aug 27, 1880

L. Lea, Esq.,

Dear Sir:

Your very uncivil, and I might add offensive, communication, with reference to the Lake acceptance, just received. You speak of my not having noticed your last letter and that you are reluctant to write again. Lest you (I) may subject yourself to a like incivility, &c, &c, &c. Now, Judge, you ought to think sometime before writing that sort of stuff to me, and you ought to know that I know that it was out of no consideration for me that you cashed that acceptance, but from your warm personal friendship for Lake. I expected, however, to pay it and intended to do so on my return from Chicago, but have not since then had more than sufficient to meet my actual expenses. You speak of my remitting the amount to you at Raymond on receipt of your letter, "and so save us both from any further trouble about the matter." I

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I am at a loss to conjecture how you could save me any trouble, and if you think it is in your power to do so "crack your whip." It is a little surprising that your friend Lake did not return the money he got from you when the acceptance was not paid at maturity, and that you should cling so tenaciously to me for the payment of a debt due by him, and from which he derived the whole benefit. I repeat again that while I am legally bound to pay that acceptance, and will do so when I am able, yet I want you to distinctly understand, once for all, that I am not morally so bound. I go to Vicksburg to-morrow, and any communication you may desire to make can be addressed to me there.

(signed) W. F. Fitzgerald

Copy of letter of L. Lea, to W. F. Fitzgerald)

Raymond, Aug. 29, '80.

General W. F. Fitzgerald;

Sir:

Your letter of the 27th has been received and is duly appreciated. There was nothing in my letter to which you could justly take exception; and yet you have made it the occasion for writing a letter to me of such a character that I would infinitely prefer being the recipient than the author of the communication.

I note your renewed promise to pay what you owe me, and I suggest that an early remittance of the amount would be a proper conclusion of our correspondence on the subject.

With due respect

(signed) L. Lea.

Copy

Jackson, miss., April 1, 1883,

Harvey R. Ware, Esq.,

Asistant U.S. attorney, Jackson, Miss.

Sir: The attorney General of the United states has been informed that W. F. Fitzgerald, Esq., of Vicksburg, Miss., who has been well recommended for appointment to the position of associate Justice of the Supreme Court of any of the Territories, is an unfit person for such place, for the reason that he is notoriously unreliable in money matters.

Among numerous complaints it is stated that he is in the habit of neglecting to pay his board bills. In proof of this, you have been referred to as having personal information in the case of Mrs. Pierce, a boarding house keeper in this place, who is said to have solicited your assistance in her vain endeavors to collect from Mr. Fitzgerald a bill of this character.

I have been directed by the Attorney General to ask you to immediately furnish him with a detailed statement of all the facts and circumstances touching this matter within your personal knowledge together with a copy of this letter, that he may determine whether these charges are entitled to any consideration

Very Respectfully

Drewster Cameron,

Lead Agt. Dept. of Justice

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Jackson, Miss.

April 1, 1883.

Harvey R. Ware, Esq.,
asst U S attorney, Jackson, Miss.

Sir:

The attorney General of the United States has been informed that W. F. Fitzgerald, Esq., of Vicksburg, Miss., who has been well recommended for appointment to the position of associate Justice of the Supreme Court of any of the Territories, is an unfit person for such place, for the reason that he is notoriously unreliable in money matters.

Among numerous complaints it is stated that he is in the habit of ~~refusing~~ neglecting to pay his board bills. In proof of this ~~I am~~ You have been referred to as having personal information in the case of Mrs. Pierce, a boarding house keeper in this place, who is said to have solicited your assistance in her vain endeavors to collect from Mr Fitzgerald ~~a~~ bill of this character.

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I have been directed by the Attorney General to ask you to immediately furnish him with a detailed statement of all the facts and circumstances, touching this matter, within your personal knowledge, together with a copy of this letter, that he may determine whether these charges are entitled to any consideration.

Very Respectfully
Webster Cameron
General Agt Dept of Justice

OFFICE OF THE

UNITED STATES ATTORNEY,

Southern District of Mississippi,

Jackson, April 1st 1885

Brewster Cameron Esq.
Genl Agt. Dept. Justice

Sir

Referring to your letter of this date, herewith enclosed. I have the honor to state that I concur in the idea that Genl. Fitzgerald is an "unfit person" to fill the position referred to, in your letter. He is a man of fine Natural Capacity of considerable experience and great force as a Criminal Lawyer. He is a man of courage, fine tone and popular address. In a great measure these qualities would peculiarly fit him for the position in my judgement.

Referring to the special charges of his Reputation of neglecting to pay his Bills, I regret to state that his character in this respect is not such as his friends would wish. As to the particular instance referred to it is true that Mrs. Pierce, a very worthy Lady who keeps a boarding House here, solicited me as a friend of Genl F. to urge him to pay a bill for board of many years standing. I wrote at her request two letters to the General

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on the Subject to which I had no Reply Some months after I Knew this bill was not paid or at least Mrs. P. informed me this was two years ago whether Since then this bill has been Settled I cannot State. It is just for me to State that Some years ago and during the time when this debt was contracted that Genl Fitzgerald was pecuniarily greatly embarrassed. Since that time however he has held a lucrative position in Virginia during which time I have no personal Knowledge of his failure to meet his obligations

Genl Fitzgerald has no warmer friend in this State than myself & none who would Rejoice more at his advancement hence I deeply Regret to feel it my duty to write a letter, any portion of which would militate against his promotion.

Very Respectfully
Your.
H. R. Hare
asst. U.S. Atty.

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John D Finney, Esq, Postmaster,
Vicksburg, Miss

~~J. R. Arnold, Esq.,~~
~~City Doctor,~~
~~Vicksburg, Miss~~

~~Sir.~~

~~It has been~~ been

As an evidence of the unfitness of W. F. Fitzgerald of your city, for the position of Associate Justice of the Supreme Court of one of the Districts, for which Department he has been recommended by many good people, it is stated ~~has been reported~~ to this Department that he is a man who has no respect whatever for the financial obligations he incurs.

Q ~~Would~~ Will among other persons, this Department has been referred to J. R. Arnold, Esq., City Doctor, at V. M., for proofs of this, it being stated that Mr. Arnold has repeatedly complained of Mr. Fitzgerald's failure to pay him for the ~~expenses of the burial of his~~ certain obligations of a sacred character, incurred several years ago.

Q ~~_____~~ Please call upon Mr. Arnold at your earliest convenience and procure from him a written statement of the facts,

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which you will please send to me without delay, that I may be advised as to whether the charges made are true or false, viz: that Mr. Fitzgerald is unreliable in money matters.

If you have any information, ~~of your own~~, in addition to that which you receive from Mr. Arnold, I shall be pleased to have ~~you communicate the same to me~~ transmit the same with your reply.

Very Respectfully

Attorney General.

Mrs Price says
the amt is $35—
contracted 8 or
9 years ago;

before the
Epidemic of 1878;
he & wife & little
boy for 1/2
a mo's board;
got one letter
from him;
in which he
said the letter
was rec'd by
his wife while
he was sick;
that she was
surprised &
worried that
not been paid,
& that he

would pay it
very soon; &
I then wrote
him several

times but he
never wrote
any letter after
that, never
answered my
letters.
Then I got
Judge Ware
to write him,
about the
first of last year
1882; and
the Judge told
me he got no
answer, all
he wrote

Mr Fitzgerald
twice.

I never
saw him, &
spoke to him
for he never
came to my
house when
he could
Jackson —

~~Those~~
~~last letters~~,
I think I
wrote a letter
which by a
Democrat who told
Knew he owed
me the money
& who told me

he was in
town, the
Dem^t who told me would
had pay me.

of had
not know
he held a
lucrative
position (Clerk
of circuit
& Warren
County) worth
about $3500
or $4000 a
year, I would
not have
hesitated then
but things
has since

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pay me if he was disposed.

and all the means in writing him that I could to induced him to pay me but without avail —

that from children at that time I have four now + my children were then small + uneducated + at times then I needed the money very much +

Mr. Harris says
Mrs Pierce is an exceptionally kind
woman; a Christian woman; a
and very fine
Mr Pettygrew's failure of
a fraudulent, not yet been
cruelty, but a most flagrant

and all the means in writing him that I could to induced him to pay me and he would not pay me if he would not

that children at that time I have four now + my children were then small + uneducated + at times when I needed the money very much +

OFFICE OF

UNITED STATES ATTORNEY,

Southern District of Mississippi.

Jackson, April 1 1883

Hon Benjamin Harris Brewster,

Attorney General United States.

Sir:

In obedience to your instructions I visited this place, to make inquiry into the charge that W. F. Fitzgerald, of Vicksburg, Miss, is totally unreliable in money matters, that you might know whether the allegation were true or false before acting

100/

So. Dist. of Miss.

230.

Department of Justice.

Received Sept 1, 1883.

Dated: Aug 27 1883

From W. A. Brown

SUBJECT:

Asking whether the last Congress passed a law re-establishing Southern claims Commission &c.

ACTION:

Ans'd by circular Sept 1, '83.

a circular

W. A. BROWN,
PEARLINGTON,
Hancock Co., Miss.

DEPARTMENT OF
SEP 1 1883
JUSTICE.

Pearlington, Miss., Aug 27th 1883

Hon. B. H. Brewster
Washington D.C.

Dear Sir

I wrote you on the 10th inst. asking the following information, whether the last Congress passed a law reestablishing the Southern Claims Commission or Court of Claims before which legal Southern Claims could be prosecuted— but so far I have received no answer from You— I hope that you will consider my request and return me an answer for which I will be Very much obliged—

Very respectfully Yours
W. A. Brown

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So. Dist. of Miss.

Department of Justice.

Received Oct. 10, 1883.

Dated: " 6, 1883.

From F. Smith, & Co.

SUBJECT:

Regrests last edition of book giving jurisdiction of the several U. S. Courts.

Mrs Cunning

ACTION:

Send Register

sent 2 copies Oct 10th, 1883
M. B. B.
Librarian

1631

FRANCIS SMITH.
OFFICES AT
VICKSBURG, Miss., U. S. A.
INDIANAPOLIS, Ind., "
MONTGOMERY, Ala., "
COLUMBUS, Miss., "
GREENVILLE, Miss., "

ALBERT S. CALDWELL.

BOLTON SMITH.

FRANCIS SMITH & CO.,
LOAN BROKERS.

CABLE ADDRESS:
FRANCIS, Indianapolis.
FRANCIS, Vicksburg.

DEPARTMENT OF
OCT 10 1883
JUSTICE.

Vicksburg, Miss, Oct 6 1883

Department of Justice
Washington D.C.

Gents

It is necessary to our business that we have accurate knowledge, of the Counties in the jurisdiction of the several district Courts (U.S.) in the States in which we are operate.

We are advised that the government publishes annually a revised edition of certain U.S. Court matters, which contains this information.

Will you do us the favor to mail to us, Vicksburg Miss, a copy of the last edition of the book.

Yours Respy
F. Smith and Co.

164

So. Dist. of Miss.

293 Department of Justice.

Received Oct. 15, 1883.

Dated: " 17, 1883.

From Ralph Pallin,
Examiner.

SUBJECT:

Tel: states when he leaves for Meridian where he awaits orders.

ACTION:

Ansd October 18, 83

WM Cowen

STEREO'S.

165

J. C.

Answ'd by telegram

October 18, 1883

Form No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after sending the message.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY		CHECK
1080	Wg	V.	30	Call Govt rate

DEPARTMENT OF JUSTICE

Received at Corcoran Building, S. E. Cor. 15th & "F" Sts., Washington, D. C. Oct 17 1888.

Dated Jackson Miss 17

To Brewster Cameron. Genl Agt. Dept. Justice
Washn D.C

Just returned to Jackson leave for Meridian tonight shall finish tomorrow await your orders at Meridian

Ralf. Ballin. Examiner.
Dept. Justice.

S. Dist. of Miss.

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Department of Justice.

Received Oct 27, 1883.

Dated: " 15, 1883.

From Ralph Ballin,
Examiner.

SUBJECT:

Report of examination of office of W. C. Raum, U.S. Marshal S. D. Mississippi. Encloses letter from W. Raum,

ACTION:

File; Oct 26th

M Conway

STEERE'S.

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Mr. Yancy:

Will you please
have copies made
for me?

Respectfully
H. Hodges

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RALPH BALLIN,
Examiner.

DEPARTMENT OF JUSTICE,

DEPARTMENT OF
OCT 27 1883
JUSTICE.

Jackson, Miss. October 15, 1883.

Hon. Benjamin Harris Brewster,
Attorney General United States.

Sir:

I have the honor to report that I have examined the office of W. C. Raum, Esq. United States Marshal for the Southern District of Mississippi, and found it well kept and honestly administered.

The only error committed by the Marshal is that he has kept part of the public funds in a private bank to his credit as United States Marshal. I transmit herewith a letter from Mr. Raum, in which he explains why he has done so, and asks for authority to keep a sum, not to exceed $2000 00 at any one time, in Green's Bank in Jackson, Miss. The statements made by the Marshal in this letter are true in every particular, I am satisfied he did not know he was violating the law, and, if not inconsistent with the regulations of the Treasury Department, I would respectfully recommend that the authority asked for, be granted him. I have the honor to be very respectfully,
Your obedient servant
Ralph Ballin, Examiner

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OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, October 15 1883

Hon Benjamin Harris Brewster.

Attorney General,

Washington D.C.

Sir:

My attention has been invited by Mr Ralph Ballin Examiner of the Department of Justice to the fact that, ~~the~~ deposits made of Public Funds with Green's Bank of Jackson Mississippi, are made without warrant of law. On entering upon my official duties, I found that my predecessor had made deposits of Public Monies in Green's Bank for the convenient transactions of his office.

The Depository nearest this place is the Asst Treasurer at New Orleans La.

Upon the receipt of a draft sent me by the Department to meet Court Expenses, I endorse it and forward it to the asst Treasurer at New Orleans, to be placed to the credit of my official account.

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OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, 188

When Court Convenes, I make a draft upon the Asst Treasurer at New Orleans for such amount as is needed for immediate use. This draft is placed to the Credit of W.C. Raund U.S. Marshal upon the books of Green's Bank without discount.

All disbursements of Public Monies made by me are made by check on Greens Bank, Signed by me as Marshal. At the end of each month these checks are returned to me when my Bank Book is written up, and they are by me preserved for inspection. Were I to pay in checks upon the Depository in New Orleans, it would be a hardship upon Witnesses, Jurors, and other small creditors of the United States, who would, in most instances be compelled to cash their checks here at a discount.

In pursuing this Course, I have acted in good faith, and unaware that I was acting contrary to the regulations.

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OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, 188

There is Today in Greens Bank $897.25 to the Credit of W. C. Rand U.S. Marshal, - and this is the remainder of the Public Money advanced me for Court purposes.

I am in receipt of your letter of 10th inst advising me that a draft for $5000.00 will be sent to me to defray the Expenses of the November Term of the Circuit Court to be held at this place - As I desire to act in strict Conformity to the laws and regulations, and in view of the peculiar situation in which I am placed, by reason of the great distance between the Deputy and the place where Court is held, I have the honor to request, that authority be granted me to deposit a sum not exceeding Two Thousand dollars at any one time, in Green's Bank at Jackson Miss.sspi.

Greens Bank is in existence since

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OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, 188

long before the Rebellion, and has at no time suspended payment.

I have the honor to be,

Respectfully,

W. C. Rand U.S. Marshal

So Dist Mississippi.

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So. Dist. of Miss.

Department of Justice.

Received Oct. 23, 1883.

Dated: " 20, 1883.

From W. C. Raum.

U.S. Marshal.

SUBJECT:

Asks authority to employ a janitor to building occupied by U.S. Officers at compensation of $15 per month

ACTION:

Anod Nov 12, 1883.

Ltr Caucus.

STEREO'S.

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OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

DEPARTMENT OF JUSTICE
OCT 23 1883

Jackson, Oct 20th 1883

Hon Benjamin Harris Brewster
Attorney General
Washington DC

Sir:

As the Department is doubtless aware, the US Court-room here and the Offices appurtenant thereto, are the property of the United States. They are in a building commonly called the "City Hall" parts of which are severally owned by the City of Jackson, the Masons and the Odd Fellows. In the Court-room and Offices belonging to the United States, the Court-records are kept, together with books, furniture &c, also the property of the United States, all of which are in an exposed and unsafe condition. I have therefore the honor to request that I be authorized to employ a Keeper, or janitor of so much of said building as belongs to the United States at a compensation not to exceed $15.

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OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, 188

per Month.

I have the honor to be
Very Respectfully,
W C Ramm
U S Marshal
So Dist Miss

So. Dist. of Miss.

54.

Department of Justice.

Received Nov 19, 1883

Dated: " 1883

From J. W. Bowman
Examiner.

SUBJECT:

Ref. to request of W. L. Rann, U.S. Marshal, for authority to employ a Keeper or Janitor for City Hall &c

ACTION: File

M Bowman File.

B Bowman Nov 12, 83

" Rann " " "

STERRO'S.

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DEPARTMENT OF JUSTICE. NOV 19 1883

A.D.R.

New Orleans, La., November 1, 1883.

The Attorney General:

I have the honor to return herewith, the letter of W. C. Raum, Esq., United States Marshal, for the Southern District of Mississippi, dated October 20, 1883, and referred to me for investigation wherein he requests authority to employ a "Keeper or Janitor" for that portion of the "City Hall" at Jackson, Miss., occupied by the United States Court and the Officers thereof; and to submit herewith for your information the following statement of facts.

In accordance with your directions, I stopped over one day at Jackson, Miss., while en route to this City, and inquired into this matter personally.

I found that the building in question was an old fashioned double building with a long wide hall running entirely through it from front to the rear, and is occupied by both the city officials and the United States Court Officers.

The first floor on the North side of the building is divided off into three rooms, - one large and the other two small rooms. The large room is used for a court room and the two small rooms back of the court room are occupied by the Clerks of the United

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States Circuit and District Courts respectively.

I was informed by Marshal Raum that he made this application more for the purpose of having some one around to look after papers left laying around in the Court room over night, than for any other reason. In making inquiry as to what papers he referred to, I found that when Court was not in session, both the Clerks of the Circuit and District Courts, were in the habit of using the Court room to work in instead of their respective offices, and that during the day it would be necessary for them to refer to many of the court papers and records belonging in their respective offices. These papers and records they would leave laying around on the desks and tables in the court room over night, and it was to prevent their being carried away or lost that Marshal Raum made this application for the appointment of a "Keeper or Janitor."

In reply to my inquiries the Clerks informed me that they occupied the Court room when Court was not in session for the reason that it was cooler and pleasanter than their offices and that they left their papers in the Court room for their own personal convenience.

In view of the fact that the papers referred to do not belong in the court room, but in the Offices of the respective

Clerks, I can see no necessity whatever for the employment of anyone to look after them. I can see no objection to the Clerks using the Court room, but they should, before leaving their offices in the evenings return the papers they have been using in the Court room, to the files in their respective offices where they properly belong and are supposed to be kept. The Clerks have promised me to do this in future and as their doing so will obviate any necessity which may have existed heretofore for the employment of a "Keeper or Janitor". I would respectfully recommend that the application of Marshal Raum be not granted.

I have the honor to be

Very respectfully,

Your Obedient Servant,

Joel W. Bowman

Examiner Dep't. of Justice.

So. Dist. of Miss

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Department of Justice.

Received Dec 20, 1883.

Dated: " 15, 188 .

From W. C. Raum,

U.S Marshal.

SUBJECT:

Enclosing a/c for transportation of John Thomas, a U.S prisoner

ACTION:

Ansd Dec 20, 1883.

STEREO'S.

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J+C.

ans. Dec. 29/83.

OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, Miss, Dec 15th 1883

DEPARTMENT OF DEC 17 1883 JUSTICE

Hon Benjamin H Brewster
Atty Genl
Washington D. C.

Sir.

Herewith I enclose to you my expense account incurred in transporting John Thomas, a United States Prisoner, who was tried and convicted at the November special Term, 1883 of the United States District Court for the Southern District of Mississippi, and who was sentenced to four years hard labor, at the Penitentiary in Chester Illinois, Together with voucher and Prison receipt from Warden of the Penitentiary.

Respectfully
W. C Raines
U S Marshal

So. Dist. of Miss.

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Department of Justice.

Received Feby 5, 1884.

Dated: " 2, 1884.

From W. C. Raum,
U.S. Marshal.

SUBJECT:

Account for transporting John Thomas, convict, to Chester, Ill.

Mr. Perry

ACTION:

Ans. Feb. 8. 1884.

Acct. to First Auditor Feb. 9/84.

OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, Feby 2d 1884

Hon Benjamin Harris Brewster

Attorney General

Washington DC

Sir:

DEPARTMENT OF JUSTICE FEB 5 1884

I have the honor herewith to submit for your approval, My expense account for transportation of US prisoner John Thomas to the Penitentiary at Chester Illinois, it having been sworn to by both Marshal & Deputy, and having been examined and approved by the Judge in Open Court. I will be obliged to you for an early reply, as I desire to incorporate it in my account at this (January) Term of the Court.

Respectfully

W C Raney

US Marshal

So Dist Miss

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S. Miss.

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Department of Justice.

Received June 10, 1884.

Dated: " 7, 1884.

From W. C. Raum,

U.S. Marshal.

SUBJECT:

Enclosing accounts of Hunter and Harrington for medicines and medical attendance furnished U.S. prisoners.

ACTION:

Mr Perry.

Accts. retd June 10/84.

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OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

DEPARTMENT OF
JUN 10 1884
JUSTICE

Jackson, June 7th 188x

Hon Benjamin Harris Brewster
Attorney General
Washington D.C.

Sir:

I have the honor to enclose herein for your approval, accounts of Hunter & Harrington Druggists for Medicines furnished US Prisoners, and Harrington & Hunter Physicians for Medical attendance on US Prisoners.

Respectfully,
W C Rainey
US Marshal
So Dist Miss

So. Miss.

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Department of Justice.

Received June 21, 1884.

Dated: Dec 23, 1884.

From

SUBJECT:

Three letters testifying to high character of Mr. A. C. Fisk

ACTION:

File

(These letters found in a desk of Chief Clerk's room.)

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STATE OF MISSISSIPPI

Treasury Department

G. H. Holland,
State Treasurer.

DEPARTMENT OF
JUN 21 1934
JUSTICE.

Jackson, Miss. Dec 23d 1874

Hon A. C. Fisk
Washington D.C.

My Dear Friend.

Your letter of 17th inst just rec'd contents noted. I am surprised that anybody can be so mean and contemptible as to charge you (or any one else) with defrauding the Atkins heirs. The only person who was defrauded in that transaction was by myself, to the interest of the Atkins heirs. I take pleasure in pronouncing any or all such charges as false and without a shadow of foundation. If

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such a charge is again made refer the parties making the same to me.

If it comes from the heirs of Wm Atkins say to them that I am responsible for the liquidation of the Twins business and, you have proper receipts for every dollar saved and after thing. If they had sent some person better than an idiot down here to look after it, he could readily have understood the value of the Twins at sight. Their attorney in Vicksburg is fully satisfied that ~~they~~ got every cent they paid, over liquidation & a donation from my pocket. Atkins had 3/5 & me 2/5 int in the Twins. We have paid every cent of our interest, besides paying from seven & ten thousand dollars of their debts. All well here. Regards to Mrs Frank. Am trying to get out there

Yours truly W. A. Raymond

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Vicksburg Miss Dec 29. 1874

Capt A. C. Fisk

Washington City, D.C.

Dear Sir. Your letter of the 21st was a complete surprise to me. I cannot see why you have been charged with a failure to settle with the City as Marshal. You were out before I ceased to be Mayor and your settlement was made in full with me. I have never heard here that you were ever charged with any irregularities, either while in office or out of it. It was well known at the time of your removal that such removal was made by Ames on account of your connection with the first conservative movement in this state. You will recollect he told us at the Mansion one night that he intended to remove every man who did not disclaim connection with that movement, and no one largely interested in the matter will forget how well he kept his word and how hard he afterwards found it to find decent men among the Republicans to fill the offices. The poor negroes are now getting the blame for much of Ames wrong doing. That is certainly true so far as this County is concerned. He put men in office, before those offices were

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filled by election, who brought on the present bad financial state of the city and County.

It has been a hard matter, under the management of affairs in this state, to remain Republican. I am one of very few who have stood by the faith, and I have done it and kept out of politics, attending no meetings and seeking no office from any source. The great injustice done me by Ames was enough to drive me away from the party as it did Adam, Speed and nearly all other moderate Republicans.

I would, at any other time, get you up a large list of the best names here as to your good character and high standing in this community, but the excitement is great and I am suspected with too much sympathy for the blacks in this last terrible slaughter of them. You know that when you were an active Republican here - doing more substantial work for the party than any one in it, you were unmercifully abused by the rebel press here, but your removal, subsequently, by Ames had the effect to mollify them, and at the date of your departure I know of no one who stood fairer in the estimation of the citizens than yourself. I mean one with Republican antecedents. These people can hardly be fair

or just in any way to a Republican.

See my old friend, Gen John Coburn, a Member of the House and I believe Chairman of the Military Committee, and ask him to speak for me. He knows me better than any man in the Country and how for I may be relied upon.

Very Truly
Your friend
Burr H. Polk

Captain A. C. Hill

Mississippi

Dec. 1873

B. B. THOMAS, President. T. R. ROACH, Asst. Cash'r. F. S. BUTTS, Cashier.

Vicksburg Bank.

Vicksburg, Miss., 1st Jany 1875

Capt A. C. Fisk

Dear Sir

Your favor of 28 Dec '74 is received and I hasten to reply. It is with the greatest pleasure that I testify to the character for integrity maintained by you in this community. As an officer of this Bank my transactions with you were numerous, though not large, and in them all you fully justified my previous good opinion of you.

Of course I often opposed you in politics. Your pronounced and bold republicanism provoked many such political animosities, but in all cases your personal integrity was strictly maintained and conceded. As to your energy and industry there could, likewise, be no question.

Yours Truly

T. R. Roach

S. Miss.

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Department of Justice.

Received Aug. 25, 1884

Dated: " 21, 1884.

From G. F. Bowles,

Atty.

SUBJECT:

Desires to know if claims
agst US. by loyal citizens
for property taken during late
war by Union troops have
been barred?

C. C. ACTION:

Mr. Howe

Nothing to do with this but file
or send No. Of. Cir. F. H.

"No opin." Aug. 27, 1884.

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In the matter of

vs

DEPARTMENT
AUG 25 1884
OF JUSTICE

G. F. Bowles,

Attorney at Law.

Natchez, Miss. Aug 21st 1884

Atty General Brewster.
Washington, D.C.

Sir;

In the matter of claims against the United States by loyal citizens for property taken by U.S. Troops during the late war, I desire to know whether such claims have been barred or not, If so please refer me to the law on the subject,
If convenient to you I would be very much obliged to you for a copy of the laws relative to claims by loyal persons, against the U.S. Government for property taken by it during the late war.

Very respectfully—
G. F. Bowles.
Atty at Law & Ex U.S. Soldier.

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Executive Mansion.

1877

Chase, S. K.

Washn., D.C.

June 26/77.

Report of the investigation of the circumstances connected with the Kemper County, Miss. massacre, April 29, 1877.

Respectfully referred to the Attorney General.

Withdrawn by Mr Chase to send nearly to Miss April 9/78

By direction of the President:

Aug. 9 187

W. K. Rogers
Secretary.

G K Chase's
Report of Kemper
County
Mississippi Massacre
Resulting In The Death
of
Judge W. W. Chisolm
Miss C. Chisolm
John Chisolm
Angus McLelland
John P. Gilmer
And
David Rosser
April 29 1877 —

Dated Washington
June 26th 1877

Washington D. C.

June 26th 1877.

Hon Chas Devens

U. S. Attorney General.

Sir: In compliance with your request, I have the honor herewith to submit the following statement of the circumstances attending the killing of Judge W. W. Chisolm. his son and daughter, Johnnie and Cornelia, Chisolm, and John P. Gilmer, Angus McLellan, and David Rosser, at the so called Kemper County riot, in the town of DeKalb, Kemper county, Mississippi; on sunday, April 29th, 1877. and accompany the same with sworn affidavits, and statements of witnesses.

Kemper is one of the eastern central counties of Mississippi, and borders on Alabama on the east. DeKalb

is the county seat, at which place is located the Court House, and County Jail. It is a small interior town, being thirteen miles from the Railroad.

The county, since the reconstruction of the state, and up to the revolution of 1875, has always been carried by the Republicans, by majorities, ranging from One hundred and fifty, to two hundred, although the whites were consecutively in the majority. It has been noted as having a larger number of white Republicans, than any other county in the state, notwithstanding there never has been a (so called) carpet bagger connected with the politics of the county. The offices have been filled exclusively by natives, and no prominent office has ever been held by a colored man.

The leaders of the Republicans in the county are Judge W. W. Chisolm B. F. Rush

John P. Gilmer, H. A. Hopper. Newton Hopper Charles Rosenbaum, and up to his death Judge M'Rae.

The Democratic leaders were John. W Gully, and the members of a large and powerful family of that name.

Before, and during the war, Judge Chisolm was Judge of the Probate court of the county, being one of its most prominent citizens, and a man of propirty.

For many years prior to the war, the Gully family had almost exclusive control of the political machinery of the county, and so continuously occupied the office of Sheriff, that they seemed to look upon it as belonging to them by inheritance.

The espousal of the cause of the Republican party at the beginning of reconstruction by Judges Chisolm

and Mc Rae, and their friends, and the subsequent bestowal upon them, of the offices previously held or controled by the Gully's, seems to to have engendered much bitterness between the leaders of the two political parties, which has been kept up quite continuously since, and to such an extent, that several serious difficulties have occurred, resulting in the killing and assassination of several Republicans.

After the State was reconstructed, and at the first election thereafter, Judge Chisolm was elected Sheriff, and held the office continuously, until the revolution of 1875. He was a man of large means, and aside from his politics, enjoyed the confidence, and respect, of all good citizens. He was not only a leader in the politics of his county, and Chairman of the County Republican

Executive committee, but was very prominent in the politics of the state, and was nominated as the candidate of his party for congress at the election of 1876. In his business relations he was noted for his promptness and fair dealing. John P. Gilmer was a native of the south, an ex-Confederate soldier, State Senator from that District for one term, and had been one of the largest merchants in the county.

John W. Gully was Chairman of the Democratic county committee, the leader of his party, and head of the "Gully" family. He had occupied the office of Sheriff several years, was a man of some property, and was in disposition an overbearing, intolerant, and quarrelsome person, and, from a custom he had of wearing his shirt open in front, exposing a

large mass of hair, and his having been at one time arrested charged with a rape, he had obtained the sobriquet of "Bull of the woods"

In December 1876. John M. Gully was waylaid, and shot, as he was riding on the road near DeKalb, but escaped serious injury.

Owing to the fact that one Rev. F Rush, the Chancery clerk of the county, and a leading Republican of that county had had several difficulties with the Gully family, in one of which he shot and killed Sam Gully, and was himself shot and thought to be killed by John M. Gully. he was charged by Gully, and generally by the Democrats, with being the attempted assassin in this instance, although Gully had previously charged two other persons with the same attempt to assassinate him. Whether, or not, guilty of the charge, Rush immediately after left

the county since which time he has been living at Russellville, Arkansas, and has never been seen in the county since. The Gullys and the officers of the law know of his whereabouts, but have never attempted to have him brought to trial, although an indictment had been secured against him. Sometime after the difficulty in which Sam Gully was killed, and Rush severely wounded, he was shot while standing in his door at night by some unknown party.

On the 26th of April last John W. Gully was again waylaid by some unknown party, and this time killed.

At his burial on the 28th, there was a large attendance of the Gully family and others, and great excitement prevailed among the Gully's. After the burial, the Gullys and their friends present adjourned

to the house of one of the Gully's near by, and George S. Conant a resident of an adjoining county, and a relative by marriage, of one of the Gullys, made an affidavit before a Justice of the Peace, who was in attendance at the burial, charging Ben Rush. W. W. Chrisler, John P. Gelner, Charlie Rosenbaum, Newt Hopper, and H. A. Hopper. with the murder of Jno. W. Gully. or as accessories thereto. The party making the charge furnished the names of J. J. Griffin. S. Evans. Jno W. Smith, J. R. Smith. Dr Edwards, and M. Rosenbaum as witnesses to be summoned. The parties named as witnesses, with the exception of M. Rosenbaum. Father of the Rosenbaum named in the warrant, were residents of adjoining counties, and lived from thirty five, to fifty five miles from DeKalb. All of them upon being interrogated claim to know nothing

of the killing, and declare that they cannot imagine why their names should have been mentioned or thought of as witnesses. None of them have ever been summoned.

The Justice of the Peace issued his warrant, based on Coverts affidavit, for the arrest of all of the parties named therein, and it was placed in the hands of the Sheriff early on Sunday morning. The names of the witnesses to be summoned were endorsed upon the warrant, but no summons was ever issued for them.

The Warrant directed the Sheriff to have the prisoners before a Justice of the Peace, in DeKalb, on Monday morning, April 30th, for examination, notwithstanding it would be an impossibility to reach any of the citizens, so as to have them there at that time.

Immediately after the issuance

of the warrant, the Gullys and their friends proceeded to the house of John W. Gully, about six miles distant, when they held a meeting, resulting in the sending of runners, or couriers, to distant portions of the county, with verbal and written messages as from the Sheriff (though he was not present and I think had no knowledge of it) summoning certain of their friends to meet at the town of DeKalb, early the next (Sunday) morning, to act as guards to the prisoners to be arrested, charged with the murder of John W. Gully.

All of the parties named in the warrant, except Rush who was in Arkansas, were arrested on sunday morning. Two of the prisoners, Felmer, & Rosenbaum, having been informed by a note, or word from Judge Chisolm, of the warrants for their arrest, rode from their home 14 miles away and

voluntarially surrendered themselves to the Sheriff. The list of persons arrested, comprised all of the leading Republicans of the county, and they are identical with the names appearing upon the records of the United States Court, as witnesses in a large number of cases of the United States, against citizens of Kemper county charged with violating the election laws.

The Hopper brothers were arrested about eight o'clock Sunday morning, and after sending for Mr. Lellan, who was the partner in business of H. A Hopper, and a firm friend of Judge Chisolm, they were taken to the house of Judge Chisolm, where he also was arrested,

Judge Chisolm had been notified sometime previous to his arrest of the existence, and nature, of the

warrant for his arrest, and his wife fearing, as she herself states, that the arrest of her husband meant death at the hands of the mob then gathering in the town, advised her husband to leave the house, and evade arrest; but he replied that such a course would arouse a suspicion of his guilt and he refused to go.

When he was arrested by the Sheriff he replied that he was always ready to obey the proper process of the law, but he feared the mob gathering in the town, and desired to remain in his own house under guard. To this the Sheriff assented, and at the request of Judge Chisolm, appointed Thomas H. Hampton, Emory Key, Ad Rush, and M. Rosenbaum, all reputable democrats, as guards, and they

agreed to be responsible for the safety of the Judge, but the Sheriff soon removed them, replacing them by men selected by, and from, the mob.

Soon after his arrest, the mob began to gather around Judge Chisolms house, several crowding themselves inside, and when the Judge asked the Sheriff what this meant, was informed, was informed by that officer that "they" (meaning the mob) said the guard must be strengthened, and that these men were additional guards.

The Sheriff soon after, and just after an interview with one of the leaders of the mob, by the name of Watkins, notified Judge Chisolm that "they" (meaning the mob) were getting uneasy and wanted the guards again increased. Immediately after this

interview with the Sheriff, Watkins rode off, and returned in the course of a half an hour at the head of a large body of men, who on arriving at the house, dismounted and gathered around it.)

About this time the Sheriff notified Judge Chisolm that "they" (meaning the mob) say you must go to the Jail", whereupon the Judge asked one of the Gully's if he would have protection, to and in the Jail, to which Gully replied. "~~You~~ that he would have protection to the Jail but he could make no promises beyond that.

The Sheriff again said "they say you must go to the Jail," and thereupon the Judge asked Sinclair if he was Sheriff, or if the mob had assumed that power. Sinclair

the sheriff made no reply, but told the mob to close around him and take him to Jail. The order was obeyed, and Mrs Chisolm, and her children followed close by his side, and Mr McLellan who had been furnished a gun by one of Judge Chisolms children, also accompanied them mingling with the crowd.

Arriving at the Jail, the sheriff pushed Judge Chisolm through the door, and his children went in, as did also Mr McLellan, but the sheriff stopped Mrs Chisolm as she made an attempt to go in, subsequently however allowing her to enter. None of the original guards went in with the prisoner, those going in having been selected from the mob. Phil Gully went into the Jail, and while in a conversation with Judge Chisolm, acknowledged that his brother John M. Gully, did have many

bitter and unrelenting enemies in his own party, and said that a negro had stated that he saw Ben Rush, or rather a person who looked like Ben Rush, leaving Judge Chisolms house on the night before the killing of John A. Gully. It transpired however, that this negro made the above statement when in the hands of the mob, and while they had a bridle reins around his neck threatening to hang him. The guns furnished the guards in the jail by the Sheriff, were loaded with nothing but powder and wad.

Sometime after the arrival of the prisoners at the jail, the Sheriff, went into the upper part of the jail, where the prisoners were confined, and told Mr McLellan that "they" (meaning the mob) wanted him out of there, and he declined to go. but after being told by the Sheriff that he was vio-

lating the law, by remaining there,
and repeatedly urged by the sheriff
to go, he walked out of the door of
the jail, and as soon as in
sight of the mob, was shot
down by several of the Gullys, all
discharging their guns, emptying
their contents into his body at a
distance of a few steps,

But an hour or so previous to the
killing of Lillian, John P. Gilmer, while
in the possession and custody, of the
deputy sheriff, was shot down and
killed by the mob, and this too, after
he had voluntarially ridden from
his home, fourteen miles away, for the
purpose of surrendering himself to
the Sheriff, he having heard of the existence
of the warrant for his arrest.

The mob seemed to be afraid to at-
tack the prisoners as long as McLillan
was in the jail, and if he had not been

compelled by the Sheriff to leave the shelter the jail. there is no doubt, but that the lives of all killed on that day, except Gilmer, would have been saved. As soon as they succeeded in getting him out, and murdering him, which they did, by the concurrence, and with the assistance of the Sheriff, the mob made a rush for the jail, entering the lower door to which they were allowed free access by the Sheriff. finding the door at the head of the stairway, leading to the portion of the jail where the prisoners were confined, secured, the mob procured axes, by the aid of which, with a bar of iron, they removed the fastenings. but the door was still held on the inside, by the son, and daughter, of Judge Chisolm, and on the outside, by his wife, who had struggled through the crowd from the

outer side of the jail, begging, and pleading, for the life of her husband and children. The mob soon forced the door open far enough to admit a gun, and one of the mob, by the name of Rasser, shot Johnnie Chisolm, aged fourteen, shooting away his hand, with which he was holding the door. Again aiming his gun at Judge Chisolm, he discharged it emptying its contents into the body of little Johnnie, who seeing his Fathers danger, rushed between him and the gun. The shot took effect in the region of his heart killing him instantly. Seeing this Judge Chisolm seized a gun, which was left by Mr Lillard, and shot Rasser killing him instantly. About this time some of the mob discharged their guns at the iron grating in the door, which was being held shut by the daughter of Judge Chisolm, filling her face with

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chips of lead and iron. As soon as Rosser was shot, the mob rushed out dragging him by the heels. Almost immediately some of the mob cried out "lets burn them out" called on the prisoners to come out if they did not wish to burn up. A cry of fire was immediately raised and all of the prisoners went out, except Judge Chisolm & his family. After a hurried consultation, the Judge and his family concluded that it would be better to go down and meet death at the hands of the mob, than to burn up, whereupon Mrs Chisolm and one of her sons carried the body of Johnnie down stairs, and Judge Chisolm accompanied by his daughter, who had her arms around him as a protection, also went down stairs where he was shot several times, and left for dead,

His daughter was also shot at the foot of the stairs, and while at the ~~window~~ door, appealing for protection for her dying father, was again shot by some one from the outside.

The mob now supposing they had killed Judge Chisolm, left the jail, and Mrs Chisolm with the assistance of one or two persons, gathered up the almost lifeless body of her husband, and started with it for his home. When about half way from the jail to the house, a part of the mob gathered around them, and declaring that the Judge was not dead said they had come to finish him.

Upon assurances from the daughter, that her father died in her arms before leaving the jail, and upon her pleading with them to not mangle his remains, they desisted and left.)

and the wounded man was taken to his home, where after lingering two weeks he died of his wounds.

His daughter survived him only two days also dying of the wounds she had received.

To return to the killing of John P. Gilmer, who was the first victim of the mob, I find that Judge Chisolm, upon hearing of the existence of a warrant for the arrest of himself and others, including Gilmer and Rosenbaum, who lived fourteen miles away, dispatched a colored man to them with the information, and advising them to come to DeKalb and give themselves up to the Sheriff. Upon receiving the news they at once mounted their horses and rode to the house of M Rosenbaum, the father of young Rosenbaum, which was a short distance from the jail. From there they sent a

note to the Sheriff, advising him of their whereabouts, and their information as to the existence of a warrant for their arrest, and informing him that they held themselves subject to his order.

Upon receipt of this note, the Sheriff dispatched James Britton, one of his deputies, for them and he took them into his custody and started for the jail, where Judge Chisolm and the two Happer brothers had already been taken. After going a short distance, the prisoners observing that they were being followed by a number of men armed with guns, called upon the deputy sheriff to protect them. They had proceed only a short distance further, when one of the crowd shot Gilmer in the back, killing him instantly, but to make

sure of his death, another shot
him in the breast.) Rosenbaum
being protected by a friend, was
hurried off to the jail. This oc-
curred ~~at~~ upwards of an hour
before the death of McLellan
and about two hours previous
to the shooting of Judge Chis-
olm, and others at the jail.

At the last November term
of the U. S. District court, for that
District, the grand jury indicted twenty
one of the citizens of Kemper county.
for violation of the enforcement act,
among whom were Houston Gully. W.H
Gully. Jesse Gully and Virgil Gully and Chas. McCrory the
principal leaders in all of the killing
at the Kemper riot.

Judge W.W. Chisolm. John P. Gilmer,
Charles Rosenbaum, and H.A. Hopper,
were the only persons named, in the
records, as witnesses in all of these

cases, Judge Chisolm, and John P. Gilmer, were also summoned as witnesses before the Senate Committee on Privileges and Elections, sitting in Washington last winter, and their testimony, when made public, very much intensified the bitterness of the denouncements of their county against them.

For more particular details of the riot, I refer you to the statements of Miss Emily S. Chisolm, Mr Charles Rosenbaum and others, which, together with a certified copy of the affidavit and warrant for the arrest of Judge Chisolm, and his friends, and a list of the names of the parties mentioned as indicted in the United States court, showing also the persons to be summoned as witnesses, taken from the records of the court, are hereto attached as a part of this report.

From visiting the scene of the killing, and a careful enquiry into all of the circumstances attending the same, as well as into the antecedents of all of the parties, I have arrived at the following conclusions.

1st That there has long existed a bitter feeling among the Gullys, (a large and powerful family) and their friends, all democrats, against Judge Chisolm, and his friends, the leading Republicans of the county

2nd That at the election of 1876. great irregularities and violations of the election laws were practiced by the Democrats, which resulted in the indictment of some twenty of them by the U.S Grand Jury, among whom were several members of the Gully

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family, and which indictments were believed to have been found based upon the testimony of Judge Chisolm, John. P. Gilmer, Charles Rosenbaum and H. A. Hopper.

3rd That W. W. Chisolm, and John P. Gilmer, were summoned, and testified before the Senate Committee on Privileges and Elections, sitting in Washington last winter, and that their testimony was made public and created intensified bitterness among the Gullys and other leading Democrats of the county.

4th That on the 26th of April last John W. Gully, the acknowledged head of the Gully family, and the prime mover in all the political outrages in that county for years, was waylaid and murdered by some unknown person, having been waylaid and shot by some un-

28 known person last December.

5th That John W. Gully was very overbearing and intolerant, and had many enemies, with some of whom he had had serious personal difficulties, and that he was killed by some of them,

6th That at the burial of John W. Gully, the Gully family probably realizing, that by the death of John W. Gully, they had lost their leader, and the man upon whom they relied to extricate them from the difficulties growing out their violations of the election laws, and their subsequent indictment therefor, grew very much excited charging Ben F. Rush, a leading Republican, with whom John W. Gully had had previous difficulties, and whom he had charged with the previous attempt to assassinate him,

with his murder, whereupon, one George S. Covert, a resident of an adjoining county made an affidavit charging Ben F. Rush and the several other leading Republicans of the county as the murderers, or as being accessories thereto.

7th That the parties went immediately from the place of burial, to the house of John W Gully, some six miles distant, where a meeting of the Gullys and their friends was held, and in pursuance to the plan there agreed upon, runners were sent throughout the county, to summon the friends of the Gully's to be at the county seat early on the following morning.

8th That early the next morning several members of the Gully family, and a large number of their friends did assemble at DeKalb, all armed

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with guns. And that early on the same morning the two Happer brothers and Judge Chisolm were arrested by the sheriff with out opposition, and a little later Gilmer & Rosenbaum after riding from their homes 14 miles for that purpose, voluntarially surrendered themselves to the Sheriff.

9th That while in arrest, and in the custody of the sheriff. Judge W. W. Chisolm and John P. Gilmer, were deliberately murdered by the Gullys and their friends, without any effort on the part of the sheriff to protect them.

10th That while attempting to protect their father, in the jail, from the violence of the mob, two of Judge Chisolms children, a son aged 14, and daughter aged 15, were willfully and cruelly murdered by the same persons who killed their father and

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Gelmer kill McLellan, and that the
Sheriff who was present made
no effort to protect them.

11th That Angus McLellan, the friend
of Judge Chisolm, who was present in
the jail to protect him from violence,
was compelled, by the sheriff, at
the request of the mob, to leave
the shelter of the jail, whereupon
he was immediately shot down
and murdered.

12th That if the Sheriff had permitted
McLellan to remain in the jail, his life,
and the lives of all the parties killed in
in the jail, would have been saved.
And that the Sheriff knew, that the
object of the mob, in demanding
that McLellan should leave the jail,
was to enable them to kill Judge
Chisolm, which they were afraid to
attempt while McLellan was there
to defend and protect him.

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13th That the lives of Rosenbaum and Hopper were stand by an express understanding, and a promise, that they would in no way interfere, or attempt, to save Judge Chisolms life, and that guards were placed over them, in a secure, bullet proof, cage, in the jail, with instructions, which were known to the prisoners, to protect or kill them, as they complied with or violated their promise.

14th That John W. Gully was killed by one of his many personal enemies, and the parties arrested knew nothing of the affair, and that the Gullys & their immediate friends seized upon the killing of John W. Gully as a pretext to get Judge Chisolm, and John P. Gilmer, in jail, or in a position unarmed, where they could kill them, because of their testimony before

the Grand Jury of the U S Court, and
then being relied upon as the
principal witnesses against the
parties indicted at their trial, set
for an early day in May. and, be-
cause they were the leading Repub-
licans of the county, without whose
leadership the Republican party of the
county would fall to pieces.

15th That the two Hopper brothers, and
Rosenbaum, arrested by the same
warrant, and on the same charge, as
Judge Chisolm, and John P. Grimes,
have never been examined on the
charge, but have been satisfied by
the Sheriff to go home, without giving
any bond for future appearance, and
the persons whose names appear on the
warrant as witnesses, were never
summoned.

16th That the killing of all of the
parties, except Rosser, was done

by the Gullys, and their immediate
friends, aided by J. C. Sinclair
the Sheriff of the County, and
that the prisoners were accused
and arrested for the deliberate
purpose of murdering ~~them~~
Judge W. W. Chrisman and John P.
Gilmer. And, that although
the murderers are well known to
the officers of the law, no effort
has been made to arrest and
punish them.

All of which is Respectfully
submitted.

G K Chase
"

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Showing B.F. Rush Did Not Murder

J.W. Gully

B. F. RUSH.

Was in Arkansas at the Time of the Murder of John W. Gully.

THE STATE OF ARKANSAS,
POPE COUNTY.

To All Whom it May Concern:

We the undersigned citizens of said county and State, do hereby certify that we are acquainted with B. F. Rush, and have been since sometime in March last. He has been in regular attendance at our Sabbath School; he is now living and has been since the time above specified, with one J. W. Sharkey, which fact many of us know of our own personal knowledge having been at said Sharkey's and meeting with said Rush there and well know that he was not nor could have been in Mississippi at the time he was alleged to have been. In testimony whereof we hereunto affix our names this, the 10th day of June A. D. 1877:

C. B. Falkinton,	M. W. Parker,
L. G. Turner,	Wm. Duncan,
J. M. Moore,	W. H. Rushing,
J. J. Stout,	G. W. Rushing,
J. L. Stephenson,	W. M. Mullins,
B. A. Tully,	O. D. Wilson,
E. B. Wooten,	S. J. Mullins,
W. J. Briman,	David McCormick,
H. C. Hamilton,	A. B. Williſson,
L. D. Bryant,	J. S. Wheeler,
J. M. Berryhill,	Z. T. Turner,
A. P. Bryant,	A. H. Humphreys.

THE STATE OF ARKANSAS,
COUNTY OF POPE.

I, J. W. Sharkey, do solemnly swear that I am well acquainted with B. F. Rush, and have been since the 22d day of March, 1877, since which time he has continuously lived with me, and I know that he was at work with me at my farm in said county on the 26th day of April, 1877. J. W. SHARKEY.

Sworn to and subscribed before me this, 13th day of June, 1877, and I certify that said affiant is a creditable and respectable citizen of said county.

SEAL.

A. J. BAYLISS,
Clerk Circuit Court, Pope Co., Ark.

The above shows conclusively that B. F. Rush had nothing whatever to do with the killing of J. W. Gully, and that the mob only made that a pretext to kill men who stood in their way politically. Knowing that under any policy, Judge [illegible]olm was so popular that he could command any office within the gift of the majority of the people, and because he was an honest and just man and one who would not coincide with the murderers in their lawless acts—as did the

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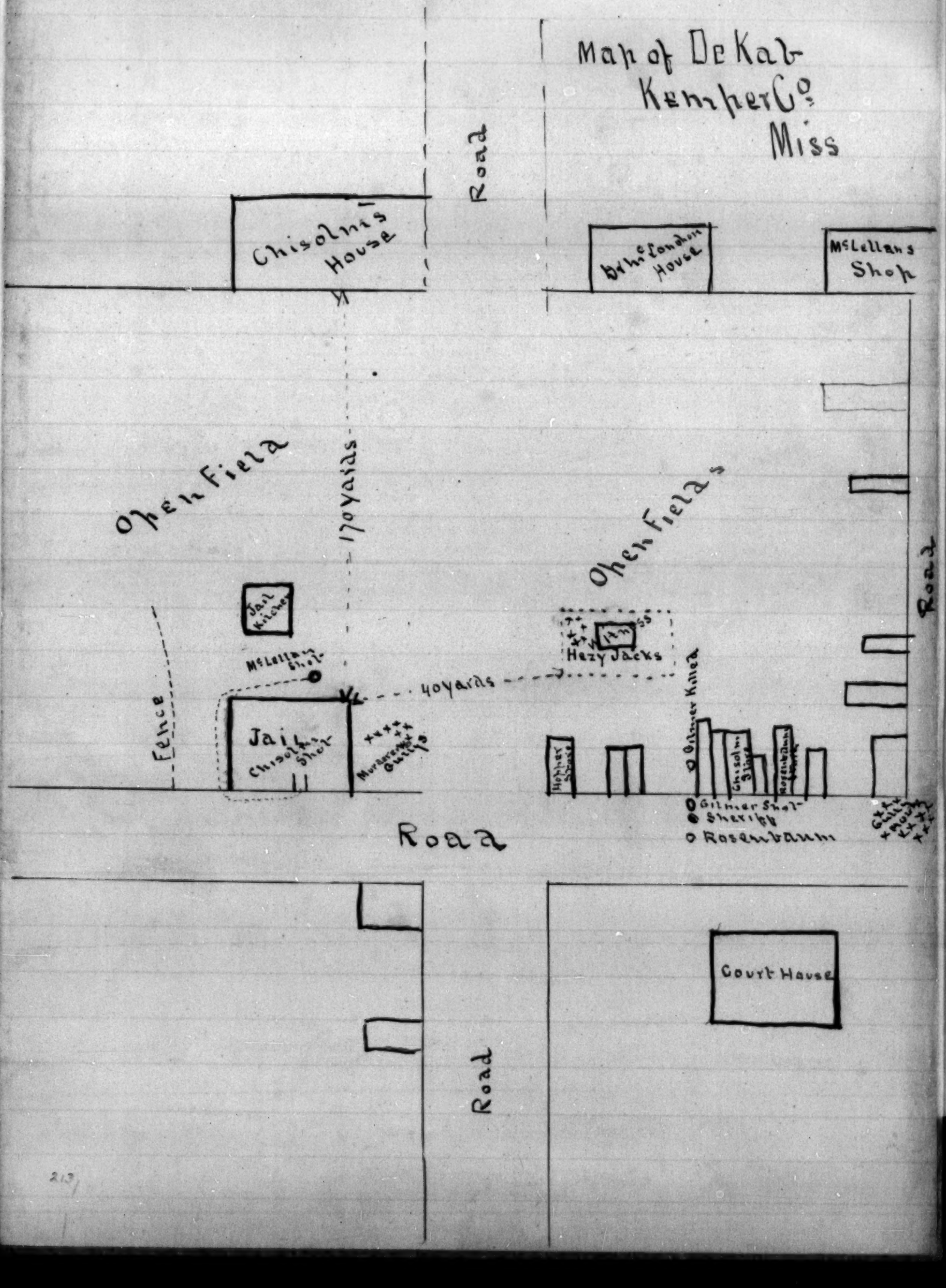
Map of DeKalb
Kemper Co.
Miss
Road
Chisolms House
Bdw & London House
McLellans Shop
Open Field
170 yards
Jail Kitchen
McLellans Shop
Jail
Chisolms Shop
Fence
Murderers Cells
40 yards
Open Field
Hezy Jacks
123
55
Road
Hopher House
Gilmer Killed
Chisolms Store
Rosenbaums Store
Gilmer Shot-
Sheriff
Rosenbaum
Graves
Court House
Road
Road

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Russellville Pope Co Ark
May the 12th 1877

Mr F C Sinclair

Dear Sir

Seeing the reports of the sad affair of your County I do deeply sympathise with(t) you and those that are bereft hoping that quiet and peace will once more be restored to your distracted County. Having read several reports of the sad affair one of which published in the Meridian Mercury of the 3rd inst. says the killing of John Cully on Ben Rush that statement is not true as Ben Rush has been at Russellville and vicinity since about the 10th of March last which fact can be established by affidavit if necessary

Yours very respectfully
(signed) C. S. Morton

Above letter came in envelope directed in some hand-writing to "Mr. F. C. Sinclair
De Kalb. Kemper Co
Mississippi"
Letter postmarked at Russellville, May 12 or 13 (illegible indistinct)

Geo. C. McKee being duly sworn says that the above is a true copy of a letter in the possession of Sheriff F. C. Sinclair

Geo. C. McKee

Jurat over.

Russellville Pope Co Ark
May the 12th 1877

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Letter postmarked at Russellville, May 12 or 13 (illegible)
indistinct

Geo. C. McKee being duly sworn says that the above is a true copy of a letter in the possession of Sheriff F. C. Sinclair

Geo. C. McKee

Jurat over.

Subscribed and sworn to before
me this 19th day of June A.D. 1877
G. W. Graves Clerk
Cir. Court Southern Dist of Miss
By J. M. Smoke
D.C.

Copy of deed
from
E. G. Murdon

State of Mississippi
Kemper County

To the Sheriff or any Constable of said County Greeting:

Whereas Geo. L. Covert has this day made complaint on oath before the undersigned Justice of the Peace in and for said County, that he fully believes and has good reason to believe that B. F. Kush did on the night of the 26th inst in said County, feloniously kill and murder John M Duffy, and that W. W. Chisolm, Alex Hopper, Newt Hopper, J. K. P. Gilmer and Charlie Rosenbaum were accessories to said deed. Wherefore we command you to forthwith apprehend the said B. F. Kush, W. W. Chisolm Alex Hopper, Newt Hopper, J. K. P. Gilmer and Charlie Rosenbaum, the accused and bring them before S. W. Broome, Esq, or some other Justice of the Peace of said County at DeKalb on Monday the 30th day of April 1877, to answer the above charge and do or receive what according to law may be considered touching the same, and have you then and there this writ.

Witness my hand & seal April 28th 1877

(signed) J. L. Sprinkle J.P. (seal)
Kemper County

State of Mississippi
Kemper County

Before me J. L. Sprinks a justice of the Peace in and for said County, personally came Dav'd. Covert who upon sworn states upon oath that he fully believes and has good reason to believe that W. J. Rush did on the night of the 26th inst. in said County feloniously kill and murder John W. Gully, and that W. W. Chisolm, Alex Hopper, Newt Hopper, J. P. Gilmer, Charlie Rosenbaum were accessories to the deed, wherupon he prays that warrants may issued for their arrest and they be made to answer the charges brought against them

(signed) Dav'd. Covert.

Sworn and subscribed before me April 28th 1877

(signed) J. L. Sprinks J.P.

Witnesses J. J. Griffin, S Evans Esq John W. Smith
J. R. Smith, Dr Edwards, W. Rosenbaum

The State of Miss
vs Warrant
B. F. Rush
Murder
Affidavit
Capias
Bail
Charlie Richardson

Filed in Office
this 29 day
June 1877
F. C. Lincoln (signed)
Sheriff

I hereby affirm all these my representations and pray the issuance of a capias (signed) B. F. Rush
affirmed 1877

Geo. L. McKee being duly sworn says that this paper is a true and accurate copy of the affidavit, Warrant and endorsement thereon, as the same appeared in the hands of F. C. Lincoln Sheriff of Kemper Co, on the 12th day of June 1877 in the case of The State vs Rush et. al.

Geo. L. McKee

Subscribed & Sworn to before me this 18th day of June A.D. 1877.

Geo. T. Frame Clk U.S. Cir. Court
So. Dist of Miss
By J. M. Walker D. C.

Geo. W. McKee being duly sworn says that this paper is a true and accurate copy of the affidavit, warrant and endorsement thereon, as the same appeared in the hands of T. C. Sinclair Sheriff of Kemper Co, on the 12th day of June 1877 in the case of The State vs Rush et. al.

Geo. W. McKee.

Subscribed & Sworn to before me this 18th day of June A.D. 1877.

Geo. T. Fraun Clk U.S. Cir. Court
So. Dist of Miss
By J. M. Walker D.C.

The State of Miss
vs
B. F. Rush
Wm. Wheeler
Alex. Hopkins
Saml. Hopkins
W. W. Gibbs
Charles Richardson

Filed in Office
this 29 day
June 1877
T. C. Sinclair Sheriff
Kemper County Miss

I duly affirm at all times my regard & esteem for Gen. Ruger and when he needs assistance & can

(signed) A. E. Smedes

Aug. 29th 1877 Aff

Indictment (Filed April 26

The United States.
No 2440 rs.
Jno W Gully.
Saml W Weeks
Wm Welsh
Sid Welsh
Jesse Gully. (Engaged in killing Chisholm et al April 29)
Houston Gully. " " " " " " "
W H Gully. " " " " " " "
John A Swanzy
E Fox
R W Lang
Wm Preston
J Scott Spencer
R B Calloway
James Thomas
Virgil Gully. Engaged in the riot of April 29
Dick McCall
Chas McGrory - Engaged in the riot of April 29th
Simon Lang
Abner Beck
J B Spencer
Major Gully.

Witnesses on behalf of the United States.
W W Chisolm
Jno P Gilmer
Chas Rosenbaum
H A Happer.

Made affidavit in relation to riot

The above named persons were indicted in the Circuit Court of the United States for the Southern District of Mississippi Nov 24, 1876. which indictment is still pending and undisposed of.

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On Sunday April 29th 1877 a Messenger came to Scarabia Miss where do business and told my Self and John P Gilmer that Judge Chisolm Sent him there to kill my Self and Gilmer that there was a Warrant for our Arrest and that we had better come and give our Selves up to Sheriff We Started at once for Dekalb and about half way to Dekalb for we started at once, we met a man named Pool, he showed Gilmer the writ; I didn't see it; We came on to a mile of Dekalb we met a freedman; he told us there was great excitement in town; that men with guns had surrounded Chisolms house We came on to my fathers who lives in the edge of Dekalb & he told us of the excitement up town. We went to Sheriff a note, telling him we were there subject to his order, He sent Mr Jim Butler came down & said the

Sheriff sent him for us. We said "all right" & started with him. In sight (about 50 yds) from my father house, we saw two men sitting on the ground with double barrelled guns, we passed them and they followed us; about 75 yds farther, 5 or 6 more men with double barrelled guns came on behind us We still came on, and when we got up town, we saw a very large crowd and as we were passing down Main Street, some one behind us fired and shot Gilmer in the back. He was killed. I was carried on to jail. & went up in the jail; there I saw Chisolm and his family. Saw McLellan there also. About an hour or so after I heard some one calling McLellan down stairs. Next thing I heard that McLellan was killed. Shortly after the mob attacked the jail. Chisolm's little boy and Dr Rosser were killed. Then I heard from down stairs the cry from the mob that they had killed

Reasor, and cried the cry "fire the jail" Then they said the jail was on fire and all those that wanted to come out had better do it. I left the jail, about the time I got half way down I saw Judge Chisholm and his daughter coming down. I heard him say "better be shot than burned" I came out and walked through the crowd. which with a young man named Hull who protected me.

McLellan was a Sectionus, it is generally he was not notwalked. I saw him after he was dead.

C. Rosenbaum.

Betty McRae

Meridian June 13th 1877

Bettie McRae, says.

I was at Heyy Jacks the day of the riot. I saw McLellan when he first came into town that morning; he went to Chisholms house and went in; after while he went down towards Lawyer Griffins. Then he went back and went with the guards and Chisholm to the Jail. After Gilmer was killed I saw some men near the front of the Jail throw up their guns. I thought they were going to fire into the Jail but they run around to the corner nearest where I was and I saw McLellan coming around from the far side of the Jail. The crowd saw him as he came around the corner and started along the back of the Jail.

They at once commenced firing on him Mr McLelland raised one hand to his breast but did not left his head or say a word. He walked straight on till he fell. The crowd fired at him until he fell. One or two shots were fired after he fell. In coming from the Jail door he had gone around the

jail on the side where I saw no people. It is a kind of alley or lane on that side; when he came out from that and turned the corner of the jail the people who had raised their guns on the front side of the jail then ran around so they could look behind the jail, threw up their guns and fired at the Scotchman. He was walking right towards us at Heezy Jacks. He was going in the direction of his shop also

I only know the names of four of the men who fired at McLellan They were Houston Gully, Jesse Gully, Henry Gully & Bill Gully.

McLellan fell about 15 or 20 feet from the jail, between the jail kitchen and the corner of the jail.

McLellan must have walked 10 or 15 feet after the first shot was fired at him. He had no gun and no pistol or other arms in his hands, — not even a walking stick.

In Jacks yard with me were Betsy and Peggy Scott, Eliza Scott, Eliza Perrin, Hannah Fox

and Winny Jacks. Felix Hampton was also in the yard with us. All are colored people.

I have lived in DeKalb ever since the war

his
Betty X McKee
mark

Geo O McKee being duly sworn says that the above statement of Bettie McKee was taken down by him in writing and read over to her as her true statement. He further deposes that at her request and also by his advice the said statement was not sworn to because it was feared the witness would be molested if it was known that she had given the above testimony especially as to the names of parties. Geo O McKee

Subscribed & sworn to before me this 16th June 1877

Geo T Mann Clk U S Ct
Court to Dist of Miss
By J M McKee D C.

Court to Clerk of Miss
By J McMcKee D.C.

Winey Pack

DeKalb, June 12. 1877

Winey Jack, says:

I was raised in this County (Kemper) On the Sunday of the mob I was at my house, about 30 or 40 yards from the jail. I stood in my yard and saw McLellen shot. Betsy McRae, Eliza Perrin, Marion Jack and Peggy & Betsy Scott were all in the yard and house with me. The first I saw of McLellen he was coming to the jail with the guard and Mr. Chisolm. The next I saw of him was after Dilma was killed, and then I saw McLellen coming around the corner of the Jail on the side farthest from my house; he came right towards where we were. As soon as he came in sight around the corner, Bill Gully ~~said~~ shouted "Here, here!" and shot at him. Houston Gully, Jesse Gully, and Henry Gully also shot at him. Others whom I do not know also fired at him. One man I did not know shot at him with a pistol, (he had already fired his gun at him. The Gully's all used guns. McLellen had no gun. He had no arms that I saw. He never said a word to any one, He fell on his face dead.

Winey x Jack

Doc Miller being duly sworn says that the

above statement of Winey Jack was taken down by him in writing and read over to her, as her own statement. He further depones that at her request and also by his advice the said statement was not sworn to, because it was feared the witness would be molested if it was known that she had given the above testimony especially as to the names of parties

Geo. A. McKee

Subscribed & sworn to before me this 16th day of June 1877.

Geo. Tyram Clerk of Circuit Court & Clerk of Miss

By J. M. McKee D.C.

Winey Jack

Eliza Perrin

DeKalb June 12, 1877

Eliza Perrin says

I was at Heyzy Jacks on the day of the mot. Winey Jack and some other Colored women were there. We were standing in the front yard when McLellon was killed He was almost in front of us, about (30) thirty yards away. McLellen came around the west side of the jail and turned right towards where we were standing in the yard. Then Bill Gully shot him as he was walking along. Five or six others shot at him, and he fell down dead. He did not say anything to any one

Eliza X Perrin

Geo. W. McKee being duly sworn says that the above is the testimony of Eliza Perrin and was read over to her after it was reduced to writing, as her own statement. Deponent further says that it was not sworn to because, it was not deemed best for her safety that it should become public that she had been a witness of the affair

Geo. W. McKee

Subscribed & sworn to before me this 16th June A.D. 1877

Geo. Graves Clk Mf Circuit Court

So Dist of Miss

By J. M. McKee D.C.

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Zillah McCracken

DeKalb, June 12 1877

Gillah McLanahan says

I have lived here fer
20 years. Sow McLellan came out from the
west side of the jail and go between the jail
and the kitchen. I saw quite a number
of persons shoot at him. McLellan kept
his hands down and walked straight ahead
until he fell dead. I was in Dr. McLanahans
yard. It is too far to distinguish people in
a crowd. I dont exactly know who killed
McLellan

Gillah X McLanahan

Geo. W. McKee being duly sworn says that
the above statement was reduced to writing from
the statement to him by Gillah McLanahan and
read over to her, as her true testimony. He
further state that at her request and by
deponents advice, it was not sworn to, because
of prudential consideration for the safety of the
witness, if it became public that she gave
information

Geo. W. McKee

Subscribed & sworn to before me this 16th day of June 1877

Geo. Fraun Clerk U.S. Cir Court
So. Dist of Miss
By J. M. McKee D.C.

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Sallie Robert

Sallie Roberts. being duly sworn
said.

I live just across the street from
the Jail in De Kalb. Have lived in
De Kalb nearly all my life. Am about
twenty-four years old. I know nearly
all the white people in De Kalb and a good
many people living in the county—

I was at my mothers house all
day on the 29th of May or the day on
which the riot took place
I heard a heap of shooting but did
not see any body shot except Bill
Gully, and run run up on the street
whom I did not know. The men who
shot up the street were shooting at
Mr. Silver. I don't know whether
they killed him or not. I only know
that he was killed. It was at the Jail
that I saw Bill Gully shoot. He was
standing at the outside door on the ground.
He shot at Mrs. Chrisdin. She was
standing back from the door in the
Jail. I know he shot at Mrs
Chrisdin because there was no one
else there for him to shoot at.
He shot twice at her.
A man whose name I don't know

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came to my mothers house
and got a hatchet and went
into the jail with it. I dont
know what he did with it.

Sworn to & subscribed before me June 14th 1877

her
Sallie + Roberts
mark

A Rush
Chancery Clerk

Oscar Riley (colored) being duly sworn said:

My name is Oscar Riley. I am thirteen years old and was born within four miles of De Kalb Miss. and have lived in De Kalb nearly all my life. I know the people in and about De Kalb well.

On Sunday Apr. 29th I was at home just across the street from the Jail.

I saw Mr Mac come out of the jail and go around the East end of the Jail. And as I saw him start to me his hands. When passing the north east corner of Jail I saw Houston Gully draw the caps on his gun ~~at~~ aiming it at Mr Mac. Then Jess Gully shot both barrels of his gun at him, and one he shot with a pistol. Mr Mac fell before the pistol was shot.

I saw another man shoot at him whom I did not know. The old man was down on the ground when this man shot. Mr. Mac was walking away from the Jail when Houston Gully first shot, with his hand down. The men that I saw shoot were at or near the East end of the Jail. When Mr. Mac was killed

I was setting in front of the house when I saw Gilmore on the roof of a barn about fifteen yards from the door.
I could see clear past the east end of the jail from where I sat. I was about the house all the time that day. My sister would not let me leave the house. I heard Bill Gulley say in answer to Miss Cornelia who asked from the window above, what made them do her papa so bad, that. "God damn him we will treat him worse than that." This was before the most assaulted the jail and before any body was killed.
I saw a man holding Mr. Gilmore's wrist and another man was shooting him. At this some one shot at him.
Mr. Gilmore tried to snatch loose from the man who held his wrist and said "O dont shoot." He got away from the man who held his wrist and started to go in Gilmore's building, when Hoskins Gulley shot him in the back. This was in the street in front of Mrs Rosenbaums store about one hundred yards distance

Sworn to & subscribed (Oscar Riley
before me June 14th 1877 (
A. Rush
Chancery Clerk

Oscar Riley

Mrs Emily L. M. Chisolm, being duly sworn, said I am the wife of W. W. Chisolm

The first I ever heard of any charge against Judge Chisolm as being in any way connected with the assassination of John Daly, was on Sunday morning when the sheriff came to arrest him.

Mrs. Chisolm had just gotten up when a note came from Mr. Hopper stating that he (Hopper) had been arrested and that the sheriff would soon be there with a warrant for his arrest, and that warrants were also out for the arrest of Rosenbaum and Gilmer.

I feared that the arrest of my husband meant his death at the hands of a mob and I advised him to leave the house and evade the officers.

This he refused to do saying that such a course would arouse suspicion

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2 of his guilt. I feared that he would be mobbed because they have repeatedly insulted him before and threatened his life. Stopped down rode up with the sheriff and together they came in. and the sheriff showed the warrant.

Mr. Chisolm remarked that he was always ready and willing to obey the proper process of law, but that he feared the mob and desired to remain in his own house under guard. To this the sheriff acceded.

The jail was in sight of the house not more than 150 yards distant. Mr Chisolm then named several gentlemen, known to be moderate Democrats, whom he would prefer for a guard. He named Mr. Th. A. Hamilton Emory Key. Adi. Rucker and Mr. Rosenbaum. The sheriff agreed to appoint them. and the posse ~~Mr. Chisolm then repaired to the~~

and further agreed to be responsible for Mr. Chisolms safety and security

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I went out to give the servants directions about their work and on returning found that the guards had removed my husband into a small out house. The door to this building had no fastening. It was a cold morning and I objected to his remaining in this building. The sheriff told me not to go into the building with my husband. About this time my husband saw Jno Watkins ride down by the garden fence when he and the sheriff held an interview. My husband asked what that notorious Ku Klux scoundrel was doing around his place. By this time a large number of people had come into the yard and around the house. Sam Collins a friend of my husbands told me that there were at this time twenty or thirty horses hitched in the woods just in the rear of our house.

I then repeated my demand

4 that my husband should be
carried back into the house where
he could be made comfortable.
The sheriff consented and had
not moved his steps from the
out house before he was surround-
ed by twenty-five villainous looking
men armed with double barrled
guns. My husband exclaimed to
the sheriff. "Sinclair what does this
mean." You appointed a guard over
me and here you have surrounded
me with a score of armed ruffians."
This was outside of the yard close to
the door. My husband then came into
the house followed by a number of
armed men. These men were not of
the guard appointed by the sheriff.
My husband asked the sheriff why
these men were following him into
the house. The sheriff replied that
"they say" (meaning the mob) that
the guard must be strengthened
and said that three more guards

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6 The sheriff then went out and had an interview with Walters

Returning he said. "Judge they are getting uneasy" Mr. Chalon asked why they were getting uneasy. The sheriff replied that they wanted the guards increased again. I then saw Walters riding off. He returned in about a half hour bringing a large crowd of armed men with him. They came in groups and by companies, hitched their horses and surrounded the house. My husband then asked Dr. Glennis what all this meant, meaning the large number of armed and heathen men. Glennis replied that he did not know much about.

My husband then asked Dr. Campbell what it meant. Campbell replied in a gruff voice that he did not know, that he was to "know nothing." My husband then asked if that was the usual course of procedure when a man was placed under arrest, charged with any crime

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Campbell said yes, that it was under some circumstances. I then asked him if what were the circumstances peculiar to this case. He gave no explanation. I then said that I supposed there was law in the country by which one could be punished for crime. He replied that law was a farce. My husband then called up Humphreys and said to him. "I do not understand this. I am surrounded on every hand by armed men." Scully said. "Sir, I have positive proof that you aided in the murder of Dr. Scully." To this my husband did not deign a reply. treating the accusation with contempt. Before Scully came in the Sheriff returned to the house and said "they say" you must go to Jail." Mr. Chisholm then asked

7. What do you say? to which the
Sheriff made no reply
Mr. Angus McLellan asked
Mr. Gully if this mode of proceeding
was the law in this country? Gully
waved him back with his
hand and said in an angry and
insulting manner "Go away sir
I answer none of your questions"
Then Mr. Chisolm ~~the~~ asked Mr.
Gully what evidence he had that he
(Chisolm) knew any thing of the killing
of John Gully. Gully replied that
Ben Rush had been seen coming
from his house — meaning Chisolms.
Chisolm said that he did not believe
that Rush was within hundreds of
miles of the place. Gully replied
that as I was a woman he would
have nothing to say to me
My husband then asked Gully
if he would have protection on his
way to the Jail and after his arrival
there. Gully said that he would

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from ~~your~~ his house — meaning Chisolms.
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that Rush was within hundreds of
miles of the place. Gully replied
that as I was a woman he would
have nothing to say to me

My husband then asked Gully
if he would have protection on his
way to the Jail and after his arrival
there. Gully said that he would

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have protection to the jail. and
after that he could make no
disturbance. The sheriff again
said "they say" you must go to the jail.
I then called my husband into another
room, and told him not to leave
the horse stall. I showed him a
trap door leading from a closet into
only the garrett. Told him to go up
there and that I would furnish him
guns and ammunition and food;
That he could fight them there to the
death. My husband replied no, that
it was too late, That they could learn
that he was somewhere in the house and
that they would kill his children and
burn the house. We then came back
to the front door and the sheriff
said come you must go to jail.
I then handed my husband some
pistol cartridges and the sheriff

made a move as if to take them away,
but I looked him steadily in the eye
and he relinquished his purpose.

My husband then asked the sheriff
if he was the sheriff in fact or if
the mob had assumed the duties of that
office. This question my husband
repeatedly asked but the sheriff made
no reply. The sheriff then told the
mob to close round him
and take him to jail. At this
they closed with him, myself and
children following close by his side.

Clay went and got his own gun
and gave it to Mr. McLellan who
also went along to the jail.

When halfway to the jail my
husband called my attention to
the great number of men that were
surrounding us from every direction.

I said let us hurry on and get
inside the walls of the jail elsewise
may all be killed on the way.

Arriving at the jail Sinclair
opened the door and pushed my
husband in and my children went
with him. The sheriff attempted
me as I moved to the inside

and told one visit to go in.
At one of the original guards appointed by the Sheriff accompanied him into the jail. The man who went up at that time was of the most proper. The only one of the original guards who ever pretended to discharge his duty as such was Overseer. All the others deserted their posts. Overseer stood at the door at the head of the stairs when the negro came up and tried to keep them back. Presently Phil. Gully came in. My husband asked him what this all meant. Phil Gully said a negro says that in passing your house [illegible] about twelve o'clock at night of Wednesday the 25th of Apr. he saw a stranger man coming from your gate that he took to be Buck
Gully said that the negro who told him this was a tripling fellow and that he (Gully) would not believe him unless his evidence was strengthened by further testimony
I said to Mr. Gully that my husband had been a friend to him, and that further more he could not believe that my husband would

aid in the assassination of his brother John Gully, and I gave him as a reason for that, that John Gully was no lawyer in my husbands way in any thing whatever. Reeder said I, you know very well that John Gully had bitter and unrelenting enemies in his own party. For said Phill. Gully. I know he had many enemies of that kind.

Col. Hull came up and told my son Clay that he did not believe that Judge Chrisman had any thing to do with the killing of John Gully.

I asked Hull if he believed my husband guilty. He would not answer but presently said that the negro, when telling his story said, that on the Wednesday night before Chrisman & all whom he thought looked like Ben Rush. It has transpired since on investigation that this talk was obtained from the negro at the end of a rope. That the Gully crowd caught him this after we had all been taken to bed on Sunday and hung him up in an

Yard. This is the manner in which the pretended evidence of my husbands guilt was obtained.

During my conversation with Neill in the Jail, he told me of repeated kindnesses my husband had done him and his uncle Phil. Dudley. He also told me that he was opposed to such a manner of obtaining Justice even if my husband was guilty.-

Afterward, when the mob were rushing up the stairway to kill my husband and children, I heard Capt. Neill say to them "go back, if I can afford to wait on this creature and let the law take its course, then you ought to be willing to do so."

Believing that the Jews journeied the Indians were not called I secretly told my daughter that she with the two boys might come to the house and get some ammunition, and at the same time pack all of our valuable clothing and other movable articles of value in the trunks and put the trunks in the closets, for I feared that aside from the ammunition would probably be committed

they would also do. This the children did and my daughter returned with ammunition secreted under her skirts. Just before the children came to the house, Julius had been shot in the street.

My belief that the guns were not loaded was afterward confirmed for I tried them myself when the wads, [illegible] after standing the mark armed as fell harmless to the floor. Mr. Christian also discharged some of the same lot. & produced similar effects. as did also my daughter.

My husband then told me to take Johnny and come to the house and feed and water the horses. Johnny would not consent to leave his father. and said "O! mother as soon as I leave father they will kill him" I then came to the house with Willie and took care of the stock.

When I came to the foot of the stairs to get out of the jail I met the sheriff who asked me if I wanted to get out I told him that I did and that pretty soon I wanted to come back He let me out

As I came out I saw also Mr.

Mac. leaning up against the wall inside the jail looking very much dejected. His hands were empty and he had no gun or pistol in them.

While at the house with Willie attending to the horses, ~~the assembled mass poured from the jail and~~ the firing began to fire, and I started upon a run for the jail. As I got to the front gate on my way I saw a man fall but did not know at the time who it was. I called out to Willie that another man had just been killed, and pressed up to the front gate. I ran on. The last man that shot at McLellan went up to him as if to see if he was dead. He then made a signal with both hands and the whole crowd rushed to the jail.

I sent Willie to a negro cabin and followed into the jail ~~behind~~ among the mob.

While on my way among them I recognized Bill Kelly. I implored him to go back, stating to him that he had already shed blood enough and told him that he was mistaken about my husbands guilt. I met him the top of the stairs. I struggled with my physical might and brick

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to turn them back. Rasor, finding the door [illegible] at the head of the stairs then called for an axe. I took hold of him and intreated him to desist. Told him to think of his own wife and children at home, and the God in heaven before whom he would soon be called upon to appear.

I asked him if he had a wife and children and he replied that he had.

One axe was brought and then another and by the aid of which and an iron bar, the door soon began to give way.

At this door the faces I then saw and recognized and can identify full well, were. Bill. Gully, Henry Gully. Cal. Hull. Charley McCrory. Bob. Manly — usually known as "Black Bob" — There was an immense crowd beside whose faces I had seen before in other and so that had menaced my husbands home, but whose names I did not know.

Before the wood had mashed with the axe, my little daughter stood near one of the windows upstairs and crying out. "O why do you do my papa so bad. Who has never harmed any one in his life". To this

2nd

Bill Lucky, who was standing outside under the window, said "D- n him we will do him worse than that"
While at the gate Rosser said he Crockett "Go away G- d d- n you or Ill blow your brains out."
Said a fellow at his heels "Would you shoot a woman" Yes God d- n her I will shoot any body that gets in my way." One man who was crowding against the door with a gun in his hands & begged to keep back and for a time held him by force, and asked him if he was human and could hesitate in such a crisis as this. He said "Madam I am a soldier and I am acting under orders, and I always obey orders."
Another man said that he was sorry to shoot, but they would shoot him.
Another pointed his gun at Crockett and told him to leave the door or he would shoot him. Crockett started back for an instant, and the door was pushed ajar, when Rosser forced through the opening shooting off Johnny's arm who stood on the inside holding the door back. For a moment Johnny clung to the door when Clay came and carried

him behind the cage, telling him to remain. But Clay was no sooner back to the door than Johnny also came just as Rosser was in the act of shooting my husband. Seeing this Johnny cried out "O! my father," and sprang before him, and Rosser leveled his gun and emptied its contents into Johnny's heart.

I shot the man shot but could not at the time see Johnny.

In the mean time a heart had been discharged against the iron bars in the door, which pelted Cornelia's face with chips of lead and iron, causing the blood to flow from a score of ugly wounds, and after Rosser had shot Johnny she began to faint. I called her by telling her that she must think of her dying papa, that his life might yet depend upon her courage. I ran my hand through the grates and wiped her face. I afterward learned that Cornelia fainted from seeing Johnny killed by Rosser, as well, also, from loss of her own blood.

About this time I discovered some of the men missing and Johnny

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as they did so. "Lets get out of this, Rosser is killed," and in less time than it takes to tell it they all ran out and down the stairs dragging the dead body of R[redacted]er by the heels. I then went outside the door when I first learned that my boy had been murdered. At this time there arose a wail of agony and despair from my husband and children which words cannot describe. and at the same time the cry of "burn them out the Jail is on fire" arose from the crowd. The Jail was full of smoke from burning rags and gunpowder and to add to the horror, the prisoners regularly confined began to howl and scream like wild animals in a burning amphitheatre. Bill Gully told me that the Jail was actually on fire

Cornelius ~~had already~~ carried the dead body of little Johnny behind a cage where we had both kissed him repeatedly.

I then told my husband that the Jail was on fire, and I thought to free him my dress and let him go down in that, while I remained behind; but this I found to be impracticable

and,

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When Johnny's arm was shot off the gun was so close to him that the sleeve was set on fire and it was not until after he was shot a second time and had broached his coat that the blood coming out, put out the fire.

I told my husband that I would go down in advance and see what could be done by way of making our escape. Cornelia then advised her father to go down, telling him that Johnny had died on my account, and that it was better that they should all go down and be shot to death than stay there and be burned.

I then went down stairs and saw a whole troupe coming down the street and I said to Clay who had come down with me that we must lay Johnny down and go back and see what could be done with Father.

Jimmy took up and met him, with Cornelia's arms around him coming down the stairs. As the crowd came in I ran and closed the door at the foot of the stairs. Henry Grady rushed in and ran his gun through the [illegible]

Cornelia pulled her father down

as to bring his body below the range of Gully's gun. and implored him to shoot her and spare her father. She replied by discharging both barrels. which struck Cornelia's arm & pieces from which ~~wound~~ she afterward died.

A boy then handed Gully another gun with which he also discharged into my husbands body. Henry Gully then disappeared for a moment and I told my husband to go behind some rustic in the back end of the hall. As we started to go back Phill. Gully stepped out from a side door with a heavy stick in his hand as if to strike, but just at this time Henry Gully reappeared and discharged another gun into my husbands hips. ~~This last shot did not~~ ~~kill him but my husband told me to~~ ~~shoot him in his dying bed. He told me to~~ ~~shoot~~ Boss Moseley also shot him at the same time from the outside door. This my husband told me on his dying bed but I did not do it myself

My husband then arose upon the floor and I kneeled over him and in a faint whisper he said

21 "My [illegible] wife I am killed
and my ~~[illegible]~~ family, all killed
but I die innocent of any crime.
~~Dont~~ ~~[illegible]~~ any of my children
live, I want you to tell them that
their father never did an act in his life
for which they need to blush or feel
ashamed," and at another time he
said to me. "I have been murdered
because I am a republican and
would not a free man."

Immediately after my husband fell
I ran to the door and asked if there
was any one there who would come and
help me carry home my murdered
husband and child. I then ran back
to my husband and Cornelia ran
to the door and with her shattered
and bleeding arm uplifted to heaven
she asked if there was not some
one in all that great country of ours
who had enough humanity left to
come and help mama carry
off her poor murdered papa.

While standing there in the door
she was shot in the left elbow the
third time with a full charge of small
shot and one buck shot

She then turned back to me and without any appearance of pain said, "mama, they have shot me in the leg"

A large crowd then came around the door looking in to see if my husband was dead. Among this number I saw Bill Gulp who was at the head of the mob, with his gun raised and pointed at my prostrate husband. I had already picked up a gun which my husband had brought down stairs. Gulp after firing one with a gun in my hands directed his gun toward me and fired. I then shot at him but without serious result- as might be expected, for I afterward learned that the gun I had was loaded only with a blank cartridge.

Gulp then turned and went out and all the crowd followed him up the street. Calling again for help. Brady came forward and I told him to go back. That he had murdered my husband. Another man came who I knew had also been foremost in the mob and I would not allow him to touch him.

Still another came up and again declared that he had taken no part in the killing I consented to offer assistance. and we pushed my husbands body up and started when suddenly slipped up and took hold me. When about half way to the house the mob came on declaring that my husband was not dead and that they were coming to finish him.

My little daughter who had lingered behind told declared to them that he was dead, that he died in her arms before leaving the jail, and she implored them not to mangle his dead body. Among the crowd that came up was Hosteen Kelly and Dave.

Mr. Foerster. My husband told me to hurry in so that he might die on his own bed, stating it as his opinion that he would not live but a few minutes at best.

I then turned to the mob and told them that ~~it was~~ the only favor I had to ask of them was that I might be allowed to carry my husbands bleeding body home.

~~After getting my husband~~

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We met with no further assistance from the state.

My husband lingered two weeks and died of the wounds received. On two days after my husbands death my daughter died of the wounds that she received

Emily. L. M. Christian.

Sworn to & subscribed
before me June 14th 1877

A. Rush
Chancery Clerk

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(M)

Testimony Of
Judge W.W. Chisolm
And
John P. Gilmer
of
Kemper Co Mississippi
Before
U S Senat Conkmittee's
1875-76

W. W. CHISOLM—KEMPER COUNTY.

HOW THE CANVASS WAS CONDUCTED.

JACKSON, MISS., *June* 23, 1876.

W. W. CHISOLM sworn and examined.

PERSONAL STATEMENT.

By the CHAIRMAN:

Q. Where do you reside?—A. I live in Kemper County, at De Kalb, the county-seat.

Q. How long have you lived there?—A. I have lived in De Kalb about six or seven years; I have lived in the county about twenty-four years.

Q. Of what part of the country are you a native?—A. I was born in Walton County, Georgia.

Q. Did you take any part in the late war?—A. Yes, sir; as a citizen I did; I was in favor of the South.

Q. You were not in the army?—A. No, sir; I held office under the confederacy, but I was not in the army.

LARGE BUSINESS INTERESTS.

Q. What is your business or occupation?—A. I am a licensed lawyer; I have held an office nearly ever since I have been of age, of some sort or other. I practice law, and I am a farmer, sir. I do considerable farming, and then I am running a considerable mercantile business, more for the purpose of furnishing those whom I have on my place than anything else.

Q. How are your business operations as compared with those of your neighbors, large or not?—A. Yes, sir; I suppose I do considerable more business than any man in the county just now.

WITNESS TAKES PART IN THE CANVASS.

Q. Did you take part in the political canvass of last year?—A. Yes, sir, in my county; I didn't go out of my county at all last year—yes, I did make one speech in Macon County last year. I was invited to several places, but didn't make but one speech out of my county last year at all.

WITNESS WARNED AND THREATENED.

Q. The object of this committee is to ascertain how the canvass was conducted, especially with reference to whether there were any acts of intimidation; and the committee would like to have you state fully, in your own way, what occurred under your own observation in Kemper County.—A. The canvass in that county was, I thought, very warm, and there was a good deal of excitement attending my meetings. I don't know anything about the meetings of the opposite party except what was in my own town. I attended one or two of those.

The canvass opened in the county at Blackwater, so far as the republican party was concerned. I made an appointment to make a speech at Blackwater, and Judge Bell, a candidate for the legislature, asked me to divide time with him. I told him I would, of course. There were some colored men came to me in a few days and told me that I had better not go to Blackwater; that they swore that I should not speak there, Old Bill Bailor, a prominent colored man, came to me and told me that if I went to Blackwater I would not be apt to come back home; that the Key boys and the Hudnalls, and the Hodges, and McClelland and D. V. McWhorton down to Blackwater, said that I should not make a speech there—such a speech as I had been accustomed to make.

I saw Judge Bell a few days after that, and says I, "Judge, I don't want any trouble, you know. In the first place, I am not able to fight a regiment of men, and if there was going to be any speaking down there I wanted just to take my own course in this thing. I am perfectly willing to divide time with you, but I don't want to go down there and have any trouble with these men." He said that he thought it was a mistake, and he would try to control that thing.

EX-CONFEDERATE REPUBLICANS GO WITH WITNESS TO THE MEETING.

I got several of my friends, white republicans, fifteen or twenty, all southern men, and most of them confederate soldiers, some of them the first men that ever left the county and went into the army, to go with me to Blackwater. We met a large crowd of white men and some freedmen there; and Judge Bell made a speech, and I replied to him.

HOW A FIGHT WAS TO BE STARTED.

In my speech there was a good many questions asked me. I had been notified previously how a fight was to be started by questioning me; and old man Dorset White was to ask me some questions, and they thought I would fire up and say something very severe to him, and then they would open on me. When he asked me some questions I replied to him that Judge Bell and me were making the canvass, and that I didn't think I ought to be interrupted; and Judge Bell told him to stop. At the same time Mr. Hudnall started to get up, and Captain Rush, who was captain of a company from my county, who was a particular friend of his, got hold of him and pulled him down; and Captain Rush afterward told me that he said that he was going to get up and go for me.

THE FIGHT AVOIDED

As soon as I got through my speech Bell rejoined for a quarter of an hour, and when I got up to reply to him they commenced asking questions again. I was to have a ten-minutes'-rejoinder, and I didn't get through with the ten minutes. I told them that I had said as much as I cared to, I believed, and I called my crowd. I told them that I didn't propose to bandy words with them. I says, "I have got through with my speech, and I am going to my buggy." And I, with six or eight of my friends, walked up to my buggy; but they didn't interfere with me at all. There was no interference, except they seemed to want to get up a general talk, and see what it would amount to.

GUNS IN THE BUSHES.

I learned from other parties that they had a good many guns down there in the bushes, but that I don't know anything about. After that I had no more discussions with them at all—no more joint discussions.

ARMED DEMOCRATS COME TO ALL OF HIS MEETINGS

Q. Did you have any meetings?—A. I made a canvass of the county. At nearly all of my meetings they would come, from five to ten, sometimes fifteen or twenty, armed men with double-barrel shot-guns, rifles, and one thing or another from different directions; and they would say to each other that maybe they might kill a buck that day, and they would take their guns along. I made my speeches, however.

AT SOME PLACES NO NEGROES TURNED OUT—WANTED A STRAIGHT-OUT WHITE MAN'S FIGHT.

I spoke at every point that I was to speak at in the county. At some places there were no colored men turned out. They told me that they had heard so much talk in the neighborhood that there would be

some trouble, that they were afraid. My speeches to the colored men all the time was that I thought there would be no trouble; but, if there was, to just let me and what few white men there was along with me and the white democrats fight it out; that it should be a straight-out white man's fight. I didn't want them to have anything to do with the fighting; that if there was any fighting to do, what few white men went with me would fight; that we didn't want them to have anything to do with the fighting.

WARNED NOT TO GO TO SCOOBA.

Q. Was there any particular disturbance at any of your meetings?—A. There was not, except on the last day that I spoke at Scooba, on Saturday before the election on Monday. On that day after I had left De Kalb and was about a mile from town, I was stopped by a young man named Halford, I think they called him Julius, but I am not positive now; his father was a candidate for representative on the republican ticket, and his name is Moses J. Halford. This young man, his son, met me and threw up his hand, and hollered for me to halt; he rode up to me—and Mr. Hopper, I believe, was in the buggy with me; I am not positive as to that, but I know there was some one with me—he rode up and said his father had started him that night to meet me; that he had heard I was coming to Scooba and that I never could get there; that I would be killed before I got there. I told him that I hated to turn back after I had started, as I usually went where I started to.

HOW WITNESS WAS TO BE MURDERED.

There was four or five men with me, and they rode up and asked what was the matter, and we consulted about the matter, and I asked them to ride ahead of my buggy. I asked the young man how they were going to kill me, and he said Mr. Poole, one of the men in the democratic club near Scooba, said that they were to be hunting right on the road; that Poole came to his father's house at midnight, and said that they were going to be hunting that day on the road, and that they were going to kill me; that they were going to pretend to be deer-hunting. He belonged to the democratic club, but came and told Holford that night, so this young man told me.

WITNESS A LITTLE EXCITED.

I sent these men ahead of me, and I drove on down about six miles from Scooba, and Mr. James West, who belonged to the democratic club, came walking, as I thought, sort of out of the woods. I got out of my buggy and took my pistol in my hand. Says he, "Judge, what is the matter? Are you going to shoot me?" I said, "No, sir; I have no intention of shooting you. I am a little excited though, Jim."

Says he, "I came down here to see you, but for God's sake don't let anybody know I have been here. But if you are determined to go to Scooba, you must stay there all night and not come back to-night."

I said, "Jim, tell me the truth about this matter." He said, "I have told you enough now, I suppose, to get myself in trouble. I don't want to say anything about this. I am your personal friend, and I am satisfied that almost all the people in the county are your personal friends."

Then I told what Halford had told me, and he said that he thought that by having the men riding on before me that we would pass by all right, but if I would go on to Scooba he told me not to go back from there that night. I kept my horses geared up and ready to go back, though I didn't intend to go back, but I held out that I was going.

ARMED WHITES LEAVE SCOOBA FOR DE KALB.

The negroes told me that a crowd of men had gone off from Scooba with guns in the direction of De Kalb, leaving that day about twelve o'clock.

THE BEST POLICY FOR SOUTHERN PEOPLE.

I don't know whether that was correct or not, but at Scooba there was considerable excitement that day, and there was a man from Clark County there—I think his name was Carter. I was introduced to him that morning, and I think he was drinking right smart. He told me that he was sorry that a southern man with the brains, and the sense, and the general intelligence that I had, would be going against his country, and his kindred, and his friends; that he thought that it was bad enough for the damned infernal northern Yankees to be trying to destroy the South, without southern men doing it.

I told him that I was conscientious in all I did; that I thought after I got whipped, that I was whipped, and that I believe the best policy for the southern people was to do what the Constitution of the United States said—give every man an equal and a fair showing to exercise his rights freely and voluntarily, and consequently I was a republican; but, I remarked to him, "the damned carpet-baggers, I have no particular love for them," got no particular use for them; but there was no carpet-baggers in my crowd; it was all southern men, and my friends were nearly all of them gallant confederate soldiers, and I told him that I supposed that my family had as good a record, as far as the war was concerned, as he or any other man in Kemper County; while I didn't go myself, that they had made honorable soldiers, and filled honorable graves upon battle-fields.

I made my speech that day under some excitement; there was a good deal of excitement.

CONFERENCE HELD WITH LEADING DEMOCRATS.

I will state that Mr. Duke, another gentleman at Scooba, told me that the excitement was caused by some gentlemen coming from Jackson, down there, who claimed to be United States marshals. I don't know as to that. I told Mr. Duke that I didn't know that they was United States marshals. I knew one of them had been a United States marshal, but I didn't know whether he was now or not. I hadn't sent for him; they said that they came there with Senator Gilmer a night or two before that. I told him that I supposed that they had a right as citizens to be there.

I went up to see Mr. Woods—H. Woods, jr.—a leading man and a very quiet man. I asked him if there could not be some arrangement made whereby there could be some assurance of a fair election. Said I, "This looks terrible to me, the way things are going on here." Says I, "There is a great deal of excitement here to-day and what is the cause?" He said he didn't know; and he remarked that he supposed that those men coming over from Jackson caused some excitement.

Said I, "Hab, I want to make some arrangement, if I can, to have a fair election; there ain't no use talking about holding an election without you let us have an election." He said that God knew in his heart that he wanted a fair election and no trouble.

He said one difficulty might be avoided if we would agree not to let twenty negroes vote that they knew to be under age; that perhaps that would quiet them, and he said he would go over and get Mr. Duke and Mr. Miller Jones, old citizens there, and bring them over to talk the thing over in his office. They came, and I agreed with Mr. Duke and

Mr. Miller Jones that these men should not vote; that I would ask them as a special favor not to vote, if that would quiet the thing.

Mr. Duke said then that that would quiet them, providing we didn't interfere with the negroes and make them vote the radical ticket.

DEMOCRATS REFUSE TO LET NEGROES VOTE AS THEY PLEASE.

I said, "Duke, by God, I am a free American citizen, and I have as much right here as you have. I have as much interest in this county as you have in the county. I will make a proposition to you. I propose now that we let all hands do their own voting, and for the white men in the county to have nothing to do with it. Just let them get their tickets, and let them vote as they damned pleased."

He says, "We won't do that." I says, "Well, when I meet my friends I intend to talk to them, and try and get them to vote the republican ticket, if any of them talk of voting the democratic ticket."

He said that if we should interfere with them, and should attempt to do that, there would be a fuss on election-day. I said, "I don't know what will be the result, but I intend to do it."

I said, "I understand there is to be an army of Alabamians over here;" and they said that they didn't know anything about that, if there was.

MAKES HIS BITTEREST SPEECH.

I made my speech, though under strong excitement. I expect I made the bitterest speech that day that I made during the canvass; but I know that I didn't advise the negroes to anything except peace, because I told them all the time that they could not fight; there was no use talking about their fighting; if they had to fight to vote, by the Eternal! they could not vote. But in my speech that day I told them every one to go to the polls and not be bluffed off; that I thought perhaps they were playing a bluff game, and to go and vote and go right off immediately.

Doctor Gilmer made a speech that day. He was senator at that time from that district. He stated to them that he would be there to give them their tickets, and that they intended to have a fair election.

EXCITEMENT AT DE KALB.

I went home on Sunday morning; I suppose I got home about 12 o'clock. When I got home, the chancery clerk, Mr. Poole, and the circuit clerk, Mr. Rush, came up to my house and told me that they thought there was a right smart of excitement up town; that Welch and Watts and Allen and John Gulley were in town, and they seemed to be excited about something, and they were walking over the town, and going around the court-house, and walking about a great deal, and they didn't know what it meant. I told them that I didn't suppose it meant anything particular.

A brother of mine was there from the western end of the county, and he told me that things looked very bad at his end of the county; that things didn't look like as though they were going to have much chance there. I told him to go back and do the best he could, but to have no difficulty; that they were not able to make a fight with those people down there; that they would outnumber them.

I remained at home; I didn't go to town until very late that evening. I went to my law-office, and several gentlemen came in there, and I talked with them, I suppose, until about dark, when I went home.

THINGS LOOKED VERY BAD INDEED.

I thought things looked very bad indeed, from everything I could hear from every part of the county; and the next morning I went down town, I

suppose, at about half an hour by the sun—I went to mail some letters—and I was met by Mr. Charles McCrary, and he asked if I was going to be at home that day. I told him that I was. He said he heard that I was going to make a speech that day. I said, "I have not heard of it, Charley." I said I supposed that everybody would be gone from home to the big democratic barbecue out at Moscow. He said he don't know about that.

ARMED DEMOCRATS GATHER IN DE KALB.

I went home and eat my breakfast about 7 or 8 o'clock, I suppose. I saw quite a good many men in town. When I got back from breakfast I saw several men from a good distance in the country coming in town. I began to inquire what the devil was on foot; did they think to-day was the election; and Squire Allen and Watts and two or three other persons there told me that they had got a telegram from Mr. Duke at Scooba the night before that the negroes were in arms; had got arms from Jackson; that there had been runners out all that night to get the people armed for a fight. Says I, "Yes, sir; I understand the thing, of course."

Phil.—P. H. Gulley came into town pretty soon with some of his sons and some of the young Halfords, bringing guns with them. Philip had no gun, but some of his boys had got guns. They seemed to be coming in all around. I sent over for Phil. Gulley; me and John Gulley have not spoken for several years; but me and Phil. Gulley was on very good terms, so far as personal friendship is concerned. They are both prominent democrats in the county.

WHY THE DEMOCRATS ARMED.

I sent for Phil., and I asked him what in hell and damnation all these things meant; and he told me that it meant this: That Allen and Watts and Welch had sent runners all over the county, and that the people were all armed and coming to De Kalb for the purpose of going on to Scooba, as he understood it, from a telegram that James H. Duke had sent up there. I told him that it was very strange, indeed; that I could not imagine what the devil all this thing meant.

I said, "I see you are not going to permit us to hold a fair election." He said he hoped it would be a fair election. I said, "It is utterly impossible to hold one the way the thing is going on; it is impossible, under the state of things now, to have a fair election."

Said he, "Judge, the thing ain't like I want it, but I believe I can aid a good deal in keeping everything quiet, and if you say so I will come here to assist you to-morrow in keeping things quiet." I said, "I wish you would. I don't understand this thing; it is not suiting me at all."

DUKE DENIES SENDING THE DISPATCH.

I sent for Allen and Watts to come over to my office at the court-house; and they said the people were coming in under that order from Duke, and that they had sent to Duke, and he said that it was a mistake; that he hadn't sent any telegram, and that they didn't need any help at Scooba at all; and he said he supposed the people would all go back.

I said to him, "I wish you would get them to go back; this ain't the way to do business. You claim that you want us to have a fair election, and the whole town parading the streets in arms, and men coming in every few minutes with arms, and at every fork of the road there are men stationed with guns." I said, "This is damnable, Watts."

ALL SCOOBA IN ARMS.

A gentleman named J. M. Roberts went from my town that morning. I sent my son, a boy about fifteen, to Scooba that morning for a gentleman that was to meet him at Meridian to come out to my house. He went to Scooba, and the man was not there, and he got excited about the crowd, and came back home. Mr. Roberts came back with him under great excitement, and told me that all Scooba was in arms; that the whole country was in arms down there, and that they had killed or run Senator Gilmer off, they didn't know which.

IMPOSSIBLE FOR AN ELECTION TO BE HELD AT SCOOBA.

I got a note written by a man named T. H. Orr, down there stating that it would be impossible for an election to be held at Scooba; that the whole country was in arms, and that the negroes, he reckoned, would all run off.

I sent for Mr. James H. Brittain, and some others, and told them, says I, "Gentlemen, you can take the election." That was about 4 o'clock Monday evening, I suppose—I am a little ahead of my story; I will go back a little.

MEN WITH ARMS STACKED LIKE SOLDIERS—GOING TO HAVE A FAIR ELECTION.

About 2 o'clock that day, Mr. Lee, the president of the board of registrars of that county, came in from the western part of that county, where he lives, and came over to the court-house and seemed to be considerably excited.

He said, "Judge, I am surprised to see you here." I says, "By God! I am here yet; but things don't look very well, Jack." He says, "What are you going to do?" I says, "Let us try and hold the election if we possibly can, some way or another. I don't know whether we will be able to have any election or not."

He says, "There are one hundred and fifty or two hundred men, it looks to me like, right down here, a quarter or a half mile at the cross-roads. They are all stationed down there just like soldiers, with their guns stacked up. They stopped me and told me that they were not going to trouble me; for me to go on; they were just going to have a fair election, that is all; that they were intending to see that the election was a fair election; and that Chisolm had been carrying things high-handed there long enough, and that they intended to see that the election was fair."

Mr. Lee remarked to me, "We cannot hold any election." Says I, "Let us try anyhow; let us see; let us wait a while longer and see."

Well, after a while, some one told me that Gilmer had got to my house, which was 250 or 300 yards from the court-house, I suppose.

"YOU CAN TAKE THE ELECTION ANYHOW."

Just as I got this note from this man at Scooba, stating what he thought about the election there, I went over and told him—says I, "Mr. Brittain, you all promised this morning that these men should leave town after you found out there was no trouble at Scooba. I have got a letter from there stating that the whole country is in arms at Scooba, and that there is a regiment of Alabama men over there." Says I, "You can take the election anyhow, and run it just as you damned please." Says I, "Gentlemen, if this is an election I am sure that I never knew what an election was before. Here I am with ten men, and here is three hundred or five hundred men in town with five hundred guns, perhaps, and I have got a pistol."

"I WILL FIGHT ANY TEN OF YOU."

Says I, "Damn you, if any ten of you will be satisfied I will fight any ten of you, if you will only let me have a fair election."

He says, "We don't want to have a fight." I says, "I know that damned well; you don't want to fight, but you don't intend to let us hold an election."

He says, "We are going to have a fair election; but the damned niggers have ruled this county just as long as we intend to let them."

Says I, "God damned if I ain't as white as any of you, anyhow."

He says, "You run with a damned black crowd."

I says, "Notwithstanding that, my character is as white as yours; and I am sure that I stand as fairly with the community as you do."

At that time there were coming around the corner about fifteen or twenty men with their guns, looking down the street in the direction of where I was; and my deputy sheriff, Mr. Rosenbaum, says, "For God's sake, go home; don't stay here any longer."

AFTER GILMER'S SCALP.

About that time Mr. Hobart came and said that Gilmer was at my house; and I went on, and Gilmer met me and seemed to be very much excited and fatigued, and said that he had had a terrible time in getting over there; he had walked most of the way, and the road was picketed all along, and he paid some one $50 to pilot him through where they were picketed. At some place he said he had struck a democrat and he told him that they were after his scalp, and he gave him $50 to pilot him through. A man by the name of Sellers was the man that he paid the $50 to.

TOLD THEM TO TAKE THE ELECTION AND RUN IT.

I then told Dr. Fox—E. Fox—who came up to my house, that they could take the election and run it as they damned pleased; that I had fought for the equal rights of all men without interfering with any man's rights in the world, and had tried to be a good citizen. He said, well, nobody had anything against me at all; it was my politics; said I, "My politics are my own, and I have a good right to them; but I am done as far as I am concerned. In the first place," I says, "you know you won't let me hold an election; the crowd has come in here for the purpose of killing me if I attempt to hold an election."

Says I, "Probably you would rather I would not take any part in the election rather than kill me; but you are determined to kill me if I do it, and I will not be a party to a fraud or anything of that sort, and I won't have anything to do with the election."

REGISTRAR'S BOOKS TURNED OVER TO THE DEMOCRATS.

I said I would give up the books—he said that they hadn't got a book in the world. He asked me then where Lee was. I told him that he was making his way home as fast as he could—that was the president of the board of registrars. I said, "He has the control of the books. He ordered the books locked up in the safe of my office, and you had better get permission from him, and I will turn all the books over to you." He got on his horse and went after Lee, and came back and reported to me that Lee said to turn the books over to them; and I sent Mr. Rosenbaum down there, and he turned over all the books to them.

THE NEGROES ASK WITNESS TO LEAVE HOME.

About sundown, I suppose it was, there came a crowd to my house—Mr. Rosenbaum and Mr. Hobart and Mr. Poole was up at my house—and there came a crowd of negroes up there and asked me to leave home, and

said that they knew that they were intending to kill me if I didn't do it. I had my doubts about that, but my friends who were with me there urged me to leave home. I don't think that they would have killed me if I had staid there; I didn't think they would come to my house after me; that is my honest opinion about it. There was a very large crowd in town, however, and some of them I was fearful was getting drunk, from the demoniacal sounds that they made, hollering, hooting, and dancing like wild men up and down the streets. I went to Mr. Hobart's house, I suppose half a mile from my place, and we went from there down below his house in the woods and staid there until about 11 o'clock that night, and then came back up to his house and slept.

The next day there came such terrible tales to us about this regiment of Alabama men being there, and I knew that if they were there they were after me, because me and them had had some personal difficulty about a killing that Gilmer had been in—the killing of a young man by the name of Dawson at Scooba, the night before that. I was sheriff of the county, and they wanted me to deliver Gilmer up to the mob, and I refused to do it, and they got very much enraged at me about it.

WHY WITNESS SHOT DILLARD.

Judge Dillard wrote some very severe articles about me, and I replied to them through the papers. I had never seen the man in my life, and when we met in Meridian there was an introduction then by Judge Love, an old friend of mine and a friend of Dillard's, and Dillard commenced abusing me, and me and him had a fight, and I shot him.

STAYS IN THE WOODS THAT NIGHT.

When they told me that, I tried to keep out of the way, of course, if they were there. I was not really afraid of the people in my own county, for I had quit and turned over the election to them; but after they told me that these Alabama men were there I was alarmed, and I kept in the woods that day, staid in the woods that night, and the next morning I came home.

"I'LL BE DAMNED IF I'LL HIDE ANY LONGER."

I told the crowd there, "I will be damned if I hide any longer; I am going home; I am going home anyhow, let the consequences be as they may." I swore I was not going to be a runaway any longer.

After dinner I went to the court-house. There were a good many men in town, and they all treated me very cleverly. They had held their election. There were very few votes polled, as I understood.

ONLY THREE REPUBLICAN VOTES POLLED.

By the CHAIRMAN:

Q. Do you mean very few votes polled in the aggregate, or very few polled on the republican side?—A. There was none on the republican side, I think, sir; or very few. I suppose there was a tolerably full democratic vote. There were three republican votes polled, I think. I was told that they were polled, but I don't know whether that was so or not.

Q. Were you a candidate?—A. I was a candidate for sheriff, and was the sheriff at the time.

Q. How is Kemper County in respect to the number of white and colored men who are voters?—A. They are about equal. I believe in the registration before the last registration the whites were a few votes ahead.

PROPORTION OF WHITE REPUBLICANS.

Q. Of the white people what proportion are republicans?—A. We have always claimed that we had about 150 or 200 white republicans in the county.

Q. And the white voting population is how large?—A. The white voting population is about 1,300 or 1,400.

Q. You have about one in nine or ten?—A. Yes, sir; we claimed that we had that, and the vote of the county would generally show that, from the fact that the county would generally go from 200 to 300 republican, and it was about equal in numbers, supposing all the negroes to vote the republican ticket, which of course they didn't. There was always a few that didn't. We always claimed, although, that we had 150 or 175 white republicans in the county.

NO SHOWING FOR REPUBLICANS TO VOTE.

Q. What information did you have from other parts of the county as to the election?—A. Well, sir, at McLindon [?] box, several men, old Mr. McGlone and old John A. McDade, both strong democrats, told me that they went down there and they never saw anything to equal it in their lives; that the whole place was in a stir, and guns and excitement, and they said they saw there could be no showing for them to vote for whom they wanted to. They said they intended to vote for me; that I had fed them when anybody else would not do it.

Q. They were democrats?—A. Yes, sir; when they got there and found out they could not vote for me in peace and quiet they left, and there were no votes polled at that box except democratic votes—I think two votes; a one-armed soldier named Thomas Eldridge voted for me at that box, and an old man named Curitan. He says he is a South Carolinian. I don't know anything about him. He has not been long in the country.

At Kelle's store box there was a better vote polled than in any other part of the county, according to the republican strength, I think; very few republicans in that beat. I suppose there was near two-thirds of the usual republican vote polled in that box.

At Scooba box—that is where the republican majority in the county lies—at Scooba and at De Kalb box—that is the county-seat—I expect those two boxes and McLindon box is about a stand-off; they are, perhaps, a little republican. Except those two beats they are largely democratic.

At Scooba box we expected to carry the election by three hundred votes, if we held a fair election. I think the republicans carried that box by eighty or ninety.

DEMOCRATS TEAR UP REPUBLICAN TICKETS.

Old Richard Knave told me that they took all his republican tickets and tore them up, and told him, damn him, he had better go home; and a fellow named Brackett, and a fellow by the name of Lockett, and lots of them, but those are the most respectable, prominent negroes that talked to me, and some of them voted; but old Richard Knave didn't, and I think Brackett didn't; but some of them voted; but they said they ran off the negroes there, most of them. I don't know of my own personal knowledge anything about this, now, as far as the Scooba box is concerned.

Q. Does anything else occur to you in regard to the election that you think is pertinent to our inquiry?—A. I don't know, sir, that there is.

By Mr. CAMERON:

Q. Who were elected to the legislature from your county?—A. A man by the name of Bell.

Q. A republican or democrat?—A. A democrat.

Q. Elected to the house?—A. Yes, sir.

Q. Have you only one member of the house?—A. That is all; we are really entitled to two, but under apportionment which was made over seven years ago we were entitled to but one.

Q. Did they vote for Mr. Gilmer?—A. Yes, sir.

Q. What county is in his district besides your own?—A. Noxubee and Neshoba.

Q. Who was elected senator from that district?—A. Judge Foote.

Q. A democrat or republican?—A. A democrat.

REPUBLICANS ONLY VOTED AT TWO BOXES IN THE COUNTY.

So far as the election in my county was concerned, there was no election there except at the Scooba and the Kelle's store box; I mean that there was no republicans that voted except at those two boxes. There were not twenty republican votes polled at the other boxes where there had been six hundred or eight hundred polled before.

WHY WITNESS DID NOT VOTE.

Q. Why did not the white republicans vote?—A. I don't know, only what they told me. I know why I didn't vote, and the reason why I didn't vote was, because I thought my life would be in jeopardy, at least if I had attempted to have done my duty as an officer; that is, to see that the election was conducted fairly. They told me that they didn't vote because they were alarmed; but few wanted to, and what few did want to vote, some of them, at De Kalb, said that they could not get any tickets; and they heard that they had run me off and killed me, or something; those were the reports.

MADE AN ACTIVE CANVASS.

Cross-examination:

By Mr. BAYARD:

Q. Mr. Chisolm, do I understand you to say that you kept all your political appointments in that canvass?—A. Yes, sir.

Q. Spoke at every place you wanted to?—A. Yes, sir. There were two appointments that I made that I didn't speak at, because I had some personal business to attend to, and I got Dr. Poole and Mr. Rush to fill the appointments; both of them persons of my political faith.

Q. Did you make, Mr. Chisolm, an active and vigorous canvass throughout that county up to the time of the election?—A. Yes, sir; I made a pretty active canvass up to the Saturday night before the election.

Q. And you said that your last speech on the Saturday night before the election was the bitterest of your canvass?—A. Yes, sir; I think it was. It is my opinion that I made the bitterest speech that day that I made during the canvass.

Q. Were not your party friends canvassing the county pretty vigorously with you?—A. Very little, except what I did myself.

Q. And you conducted that up to the Saturday before the election?—A. Yes, sir. The election occurred on Tuesday, and I filled all my appointments in the canvass up to Saturday, except those two I have told you that were filled by other persons.

Q. Because you had other business to attend to?—A. Yes, sir.

WHAT WITNESS HEARD ABOUT MEN REPRESENTING THEMSELVES AS UNITED STATES MARSHALS.

Q. What do you know of persons going into your county and falsely representing themselves as United States marshals?—A. I don't know anything at all, sir, except that there were three men came over there, one of them named Bell, of this place, and a man named Davis, I understood his name was.

Q. As a matter of fact, did they not come over and register themselves as United States marshals?—A. I could not tell you, because I did not look to see how they registered. I only knew that these men in Scooba told me that they told them that they were United States marshals.

Q. Were there any telegrams sent to Jackson to ascertain whether they were pretenders or not, and was it not found out that they were?—A. Well, sir, that is what I heard. I heard they were.

Q. You are aware that a great deal you have stated here was stated upon the information of others?—A. Yes, sir. That is what I heard; and one of the gentlemen, Mr. Newell, told me that he had telegraphed here, and Mr. George said that Mr. Lake said that only one of them was a United States marshal.

Q. What was he sent over there for?—A. This man that was United States marshal?

Q. Yes, sir.—A. I don't know, sir.

THE CAUSE OF THE EXCITEMENT.

Q. That fact of these men going over there and pretending that they were United States marshals created some feeling?—A. That was what the men told me at Scooba.

Q. There was some feeling created about that?—A. That is what Mr. Hab. Woods told me, and Mr. Duke.

Q. How about this telegram from Duke?—A. This man that told me said that he telegraphed that there were arms sent from Jackson to the negroes at Scooba, and that he wanted the men at De Kalb to send runners all through the country, and get all the men they could and meet at Scooba.

DEMOCRATS DENY THAT A TELEGRAM CALLING OUT ARMED MEN WAS SENT.

Q. Upon the reception of that telegram, were couriers sent to the people all through the country?—A. That is what Mr. Allen and Mr. Watts told me. Mr. Duke says that it is a lie; that he never sent them any telegram.

Q. But for some cause the men were sent out under this reported telegram?—A. Yes, sir; that is what they told me.

Q. They said to you that they believed that arms were being sent to the negroes, and they sent out to get the white people to come in and aid them?—A. Yes, sir; that is about the idea.

Q. You say it turned out subsequently that the telegram was either a forgery or hadn't been sent?—A. Mr. Duke told me that it was a damned lie; that he had never said anything about negroes being armed, and that he had never sent that telegram.

Q. Where does Mr. P. H. Gully live?—A. About three miles from De Kalb.

Q. Is De Kalb his post-office?—A. Yes, sir.

Q. What is his occupation?—A. He is a farmer. He has since been mixed up with politics a good deal, and is a politician, to my understand-

ing, there yet. He used to represent the county there during the war. He was a very bitter secessionist.

Q. Does he hold any public office?—A. No, sir.

ABOUT VARIOUS CITIZENS OF THE COUNTY.

Q. Who is Dr. E. Fox?—A. A practicing physician at De Kalb.

Q. Where does he live?—A. At De Kalb.

Q. That is his post-office?—A. Yes, sir.

Q. Where does James H. Brittain live?—A. At De Kalb.

Q. What is his occupation?—A. A farmer.

Q. Does he live near the town?—A. Two miles from town. He is at town nearly every day.

Q. Does he hold any office?—A. None at all.

Q. Where does A. J. Lee live?—A. A. J. Lee lives eighteen miles west of De Kalb. He was the president of the board of registrars.

Q. How far distant is Scooba from De Kalb?—A. Thirteen miles by road.

Q. You were the sheriff of the county at the time of the election?—A. Yes, sir.

Q. And you were a candidate for re-election?—A. Yes, sir.

Q. Of whom did the board of registrars consist?—A. Of A. J. Lee, senior——

Q. He is a republican?—A. Yes, sir.

Q. Who else?—A. I believe it is D. C. Jones; I am not positive about his initials.

Q. What party does he act with?—A. The republican; he is a colored man.

Q. Who is the other?—A. J. E. Stuart.

Q. Is he a democrat?—A. Yes, sir.

Q. Is Mr. Stuart a friend of yours?—A. O, yes.

Q. Did you support him personally for that office?—A. O, no, sir.

Q. Whom was he appointed by?—A. By Chancellor Dennis.

Q. Which one did you appoint?—A. I appointed Lee.

Q. And Lee lived 18 miles away from De Kalb?—A. Yes, sir.

ABOUT THE REGISTRARS' BOOKS.

Q. And how came you with the custody of the books of the registrars?—A. They were locked up in the iron safe in my office.

Q. Who had the key to the safe?—A. My deputy sheriff.

Q. It was your safe?—A. I had control of it.

Q. Was it not your safe as sheriff of the county?—A. Yes, sir.

Q. And for what purpose were those books of the registrars locked up in that safe?—A. They were locked up there for the purpose of keeping them safe, Lee said.

Q. When were you first called upon in regard to those books? By whom was it?—A. I think it was by Mr. Brittain; it was Brittain or Fox, I am not positive which, under so much excitement and one thing and another.

Q. As a matter of fact, when you were first called upon by Brittain for these books, did you not deny that you knew where they were?—A. I never denied anything about it.

Q. Did you or did you not tell him that you had them in the safe at that time, when he first called upon you?—A. I don't know, sir, whether I did or not.

Q. Can you not recollect whether you admitted or denied having the books in your custody? Do you not know that it was after some questioning and answering that you finally admitted that you had the books

in the safe?—A. I know there was no questions asked me to make me answer anything that I knew; there was nothing that I knew but I would answer without any questions being put to me.

Q. Was this on the day immediately before the day of the election?—A. Yes, sir; it was on Monday before the day of the election.

Q. Who was, by law, the proper custodian of those books?—A. The chancery clerk.

Q. Where did he reside?—A. He lived in De Kalb.

Q. Why did he not have them in his custody on this occasion?—A. I am not able to tell you.

Q. He was the person entitled by law to have them?—A. I think he was; that is my understanding. I never examined the law specially, but that is the general understanding, that they are to be in his custody.

Q. You have spoken of a meeting—I forget the name of the place where you made your first appointment.—A. Blackwater.

Q. And where there was a division of time arranged between you and your political opponents?—A. Yes, sir.

Q. Is not a division of time customary in this country at political meetings?—A. It has been up to the last canvass.

Q. Did you not agree to it at the last canvass?—A. I did at that place.

QUESTIONS ASKED AT BLACKWATER.

Q. What was the nature of the question put to you that you declined to answer at Blackwater?—A. Well, if I am not mistaken, I think one of the questions was to know why I hadn't had all the school-warrants paid.

THE QUESTIONS DISRESPECTFUL.

Q. Were the questions disrespectful or improper to be put?—A. Yes, sir; that was a disrespectful question for a sensible man to ask of me, from the fact that a sensible man would have known that I had nothing to do with the payment of school-warrants.

Q. Then it was his ignorance of the school-warrants?—A. No; not particularly that; it was a question asked without—he knew very well that I could not answer it.

Q. Was there any question asked you that was derogatory to you to have answered?—A. I don't know that there was.

WHO ASKED THE QUESTION.

Q. Who was the person who put the question?—A. I think D. C. McClelland asked one of the questions proposed.

Q. Who is he?—A. An old gentleman that lives now at Meridian, I think.

Q. What is his occupation?—A. A farmer.

Q. Is he a respectable man?—A. Very respectable.

Q. A man of good standing in the community?—A. Well, yes, sir; I suppose he is.

Q. A white man?—A. Yes, sir.

Q. A southern man—a native of the State of Mississippi?—A. Yes, sir.

Q. A tax-payer?—A. Yes, sir.

Q. Was there anything in his manner of asking the questions that was unusual?—A. Yes, sir; it was done under a great deal of excitement; his voice was tremulous.

Q. State a few questions that he asked you. Was there any cause for excitement?—A. I don't know that there was anything special. Some of them was to know how it was that the republican party taxed

the people so; what they put such heavy taxes on the people for. Of course I was not a legislator, and had nothing to do with it.

Q. Still, did you think that was an unreasonable question to ask by people who were paying taxes?—A. No, sir; not specially.

Q. You stated that there were parties who said you should not speak?—A. Yes, sir.

Q. Who gave you that information?—A. I stated in my first examination an old man by the name of Bill Bailor told me.

NATURE OF THE THREATS.

Q. Were any of those things said to you, or in your hearing, by the parties who made the threats; I do not mean the persons who informed you; I mean were those things stated in your hearing?—A. No, sir.

Q. Were there any threats made to you personally during the canvass?—A. Well, there was this kind of threats: stating to me that I was not to interfere with the negroes; and, when they gave them tickets, that they would be damned if we should go to them and get them to change them.

Q. That you should not take tickets from the negroes and give them yours?—A. That we should not get the negroes to change their tickets after they gave them democratic tickets.

Q. Who said that to you?—A. Divers and sundry persons said that to me.

Q. Did you regard that as a threat?—A. I regarded it as this: stating to me that I should not be allowed to do what they were going to do. I did not regard it as any special threat.

Q. Did any one in the canvass then specially threaten you?—A. No one that I know of.

Q. Did you witness during the canvass any act of violence upon any one in connection with the election?—A. No one occurred at any speaking I had.

Q. Who were the friends that accompanied you to these various meetings?—A. Generally Mr. Hobart, a farmer in the country there, and a man that pays nearly as much taxes as any man in the country—H. A. Hobart—the late deputy sheriff, and the chancery clerk, and the circuit clerk.

Q. All men of your own party?—A. Yes, sir.

WITNESS AND FRIENDS ARMED.

Q. Were you armed yourself on those occasions?—A. I generally carried my pistol.

Q. How were your friends?—A. They carried their pistols in their pockets.

Q. How many went with you generally when you went to these various meetings?—A. There was more than that with me when I went to Blackwater; but those I speak of, Rush, and Pool, and Rosenbaum, and one or two others, went.

Q. And sometimes other people?—A. Not of my political friends that I recollect of.

Q. Were they personal friends that accompanied you?—A. No, sir; not specially.

Q. And you generally went armed?—A. Always, sir; we had our pistols.

Q. At the time you met this young man, before you got to Scooba, you say you got out of the buggy with your pisto lin your hand; why did you do that?—A. Because I saw him coming through the woods.

Q. Had he any arms drawn?—A. No, sir; nothing at all.

Q. You dismounted and drew your pistol?—A. Yes, sir; I just took my pistol out of the buggy; I carried it lying on the seat.

Q. And when you were at the meeting, where did you carry your pistol?—A. Behind, in my pocket, where I have got it now. It is a little old pistol, not very dangerous, but it is all right, you may bet. [Showing it.] This man West was a personal friend of mine.

WHY WITNESS DREW HIS PISTOL.

Q. When you saw a person coming up the road, why did you draw a pistol?—A. The reason why I got the pistol was this, sir, because of the fact of his coming out of the woods. I didn't know but he had just slipped out, and that there was somebody else. I wanted to see whether there was anybody else around. As I said before to you, this young man had met me and made this statement to me.

Q. Did you personally see any men from Alabama in the county on that day?—A. I didn't, sir.

Q. You said that some persons named Dillard had come there?—A. Yes, sir; the Winstons and Dillards.

Q. Who told you they were there?—A. I reckon they were there; several parties told me they were there.

Q. In Scooba?—A. In Scooba.

Q. How far is that from De Kalb?—A. Eleven miles

Q. Your voting-place was De Kalb?—A. My voting-place was De Kalb.

Q. What was the personal encounter that you had with one of the Dillards?—A. It was a difficulty that grew out of the killing of a young man named Dawson previous to that. It was a year previous to that, before the election in 1873.

WITNESS REFUSES TO DELIVER UP HIS PRISONERS.

Q. Who was it?—A. It was a man by the name of Davis, he and Gilmer killed young Dawson at Scooba in a fight they had there; and there came an armed posse—the circuit clerk was there at the time, and he arrested Gilmer and Davis, and delivered them to me—there came an armed posse the next morning after that to take them back to Scooba, and I had been notified that there was a great deal of excitement in the county, and I refused to deliver the prisoners, telling them that they were in my charge as sheriff of the county, and that I was responsible for them, and that they were ready to be tried at the time if they wanted to try them. I told them that they could not get them at all.

Q. Was any assault made upon you?—A. No, sir.

Q. How came Dillard shot?—A. That was last year that me and Dillard had the difficulty. After this refusal of mine to deliver these men to this crowd, Dillard wrote several severe articles, and addressed them to Alcorn, some of them, and some of them to Linchman, and most of them were published in the Meridian Mercury; one was published in the Clarion, abusing me for my conduct up there.

Q. What for?—A. He said that I had defeated the ends of public justice.

Q. Were the Dillards Alabama people?—A. Yes, sir.

Q. What instigated him to make these attacks upon you?—A. I suppose he did it because I refused to turn over Gilmer and Davis to the crowd; and he said in some of his articles that I had defeated the ends of justice; that I had kept them from being indicted before the grand jury of the county.

NO INDICTMENTS EVER FOUND AGAINST GILMER AND DAVIS.

Q. Were these men ever indicted?—A. Neither of them were indicted; the grand jury didn't find any indictments against either of them.

Q. Was the grand jury republican?—A. Yes, sir; it was about half and half.

Q. And was it selected by republicans?—A. No, sir; there was a majority of republicans on the board of supervisors.

Q. No indictments were found in those cases?—A. No, sir.

Q. And this was made the basis of an attack upon you?—A. Yes, sir.

WHY WITNESS SHOT DILLARD.

Q. What personal altercation did you have then with Dillard?—A. It was at Meridian, about twelve months ago last February. I was returning from Jackson, and stopped over at Meridian on business, and me and Dillard met in Judge Ham's office, who knew the bitter correspondence that had passed between us, and knew our feelings toward each other. I did not know Dillard, myself, at all; didn't know the man.

Q. Never had seen him.—A. Never had seen him before that morning; and a big man came in—he was brought in by Senator Fewell—and they all seemed to be greatly excited, and I was dumbfounded myself.

Judge Ham said, "Judge Chisolm, walk into Judge Poole's office and let us talk this matter over," and when I got in there he said, "That is Dillard."

Says I, "Hell! is that Dillard?" He says "Yes, that is Dillard." and I started to walk out, and he says, "Come back into the office; Judge Dillard is a very bad man; he is a desperate man, and he is drunk to-day, and I would advise you now to try and avoid meeting him at all if you can."

Says I, "Poole, this is one of the days I don't feel like fighting at all; I aint got any fight in me to-day." He said, "I don't think you do want any difficulty with anybody." Says I, "I don't."

In passing along the street I went into the People's Savings-Bank to make some deposit of money and to take the receipts of the cashier, and me and him was talking, and he asked me where I was going, and I told him I was going down to Judge Love's; that I had promised to pay some money for a man in that county; that I had obligated myself to pay; and I walked down the street, and I saw Judge Love and this man Dillard about twenty steps before me.

I saw that there was nothing for me to do but to walk right on; and I went on and spoke to Judge Love, and shook hands with him, and he says, "Allow me to introduce you to Judge Dillard;" and I remarked that we didn't talk; and Dillard then commenced abusing me, with his pistol in his hand, and mine was not out; my hands were loose.

WITNESS FIXES HIMSELF.

I staid there and took it until I got a chance to go across the street, and then I fixed myself and came back, and we met on half-way ground, and I shot him.

Q. What do you mean by fixing yourself?—A. To have my pistol like his was; and then we met on half-way ground, and then we shot; and I went back there and gave myself up and stood my trial, and he has never been there since.

Q. That was a personal encounter?—A. Yes, sir; a personal thing.

Q. Why did they not go to the town where you live if they came for personal reasons—to hurt you?—A. I learned that they did come over there that night.

MORE ABOUT THE QUARREL WITH DILLARD.

Q. These men?—A. That about six or eight of them had come across

and had met them down at what they call the new grave-yard, and that they were camped there.

Q. The quarrel between you and Dillard was a personal quarrel?—A. Yes, sir.

Q. Did he shoot you at all?—A. He shot at me.

Q. How many times did you hit him?—A. I didn't shoot but once; I hit him that time, and I knocked him down with my pistol.

Q. Was he with these men that you speak of?—A. He came to Scooba. He was not there at all himself. His sons were there and his brother, but the old judge was not there, as I learned; but I don't know, I didn't see any of them.

Q. All you have stated about their presence there is hearsay?—A. Yes, sir.

Q. Did you know anybody else there from Alabama except them?—A. Only from hearsay.

Q. As far as your knowledge goes you do not know whether they were there or not?—A. As far as my own knowledge goes, I don't.

Q. Who was this person with whom you had a conversation in which you agreed with him in damning carpet-baggers?—A. I stated his name, I believe, in my first examination; it was Mr. Carter, I believe; we are neighbors. I just remarked that there was no "damned carpet-baggers," as he called them, in my county, and hadn't been there, but I didn't care anything about the carpet-baggers.

Q. Did you consider that your State had suffered from that class of people?—A. I didn't tell him so. I think there has been probably some occasion for complaint; but in my section of the State none that I know of; and I know nothing of that except from newspaper reports.

PERSONAL RECORD.

Q. When did you come to Mississippi?—A. I came to Mississippi in 1846, I think.

Q. What business were you engaged in before and during the war?—A. I was probate judge.

Q. Of that county?—A. Yes, sir.

Q. Did you continue to hold it during the entire war?—A. No, sir; there was two years I didn't hold it during the war.

Q. Did you perform any military service?—A. Yes, sir; I was on the post there and picked up the conscripts in De Kalb; and then I was out with the militia one time. I was wherever they called me, but I was particular not to be called very far off if I could avoid it. That is nothing to do with this.

My people had all gone to the war. It was not that I didn't believe in the cause of the South and was not interested in it. I voted for secession, though my brothers none of them voted for it. I have several brothers in the county, and they went and fought, but I didn't.

MORE ABOUT THE REGISTRARS' BOOKS.

Q. Did you state to Mr. Brittain or to any other citizen of De Kalb before those books were called for that there was not going to be any election?—A. So far as I was concerned, I stated that publicly all the time from the time I called them over there. They promised me in the morning that as soon as they found out there was to be no fight at Scooba that these men should go back home; but they did not keep their promise, and these men came in troops and encamped there.

Q. Where did these men on horseback vote?—A. Some of them voted at De Kalb, I suppose.

Q. Did you see them?—A. I saw them come into town.

THE NUMBER OF ARMED MEN IN TOWN.

Q. How many did you see yourself?—A. I saw myself that day, passing backward and forward, at least some two hundred and fifty or three hundred and fifty men.

Q Men whom you knew?—A. I knew most all of them; some of them I didn't.

Q. From what distance had they come?—A. They that I knew, some of them had come twelve miles, and some ten, and some five, and some two miles.

Q. What time of the day was that?—A. Some were from Blackwater, a distance of twelve miles, and I suppose they were in there, I will say, about 9 or 10 o'clock.

Q. How long did you remain in De Kalb on election-day?—A. I was not in De Kalb on election day.

Q. You left the night before?—A. Yes, sir.

Q. When did you see these people?—A. On the morning before I left.

Q. Did you see them at all on the morning of the election?—A. No, sir.

Q. Do you know where they were on election-day?—A. I was not there.

Q. Then what passed in De Kalb on election-day you know nothing of personally?—A. I don't know a thing about it.

Q. Do you know personally what happened at any other polls on election-day in the county?—A. I do not.

By Mr. McMILLAN:

Q. Who is your chancery-clerk?—A. Dr. F. M. Poole.

Q. Who were the gentlemen that inquired about the registrar's books?—A. I think it was a Mr. Brittain and Mr. Fox—I am satisfied one or both of these men.

THE REGISTRARS' BOOKS AGAIN.

Q. Were they judges of election?—A. Had nothing to do with it at all.

Q. Mere citizens?—A. Mere citizens; but I am not positive, after going out and reflecting about it, but I stated to them when they first asked me that I knew nothing about the books, and afterward my deputy came to me and told me that the books were locked up in the safe; and then I told them as soon as he told me that the books were in the safe, and I says, "If you will get permission from Lee, the president of the board of registration, I will turn the books over to you."

Q. Did you hear of Mr. Dillard coming from Alabama to make some speeches in Mississippi during that campaign?—A. Yes, sir; I didn't meet him anywhere there, but I heard of his making several speeches.

Q. Did he make any speeches in that county?—A. He didn't that I know of; and of course I would have heard of it if he had.

SILAS GILES—KEMPER COUNTY.

NEGROES ADVISED TO ARM.

ABERDEEN, MISS., *June* 27, 1876.

SILAS GILES (colored) sworn and examined.

By Mr. BAYARD:

PERSONAL STATEMENT.

Question. Where do you live?—Answer. I live in Kemper County, Miss.

Testimony of J. P. Gilmer 1876

Q. You say you suppose. Do you know?—A. This was told me.

Q. You do not know anything about it?—A. I do not know it of my own knowledge. I did not see it. It was told me the next day.

Mr. HOOKER. I submit respectfully, Senator, that there ought to be an objection interposed there, and we shall do so as it is hearsay evidence.

Mr. TELLER. Hearsay does not amount to much. I did not go into that question particularly, as the witness did not know the fact of his own knowledge.

JOHN P. GILMER sworn and examined.

By Mr. TELLER:

Question. Where do you reside?—Answer. I reside in Scooba, in Kemper County, Mississippi.

Q. How long have you resided there?—A. I was there only a short time, a week or two before I was subpœnaed.

Q. How long have you resided in Mississippi?—A. I went there in December, 1868, to Scooba, and I have since lived at Scooba and De Kalb.

Q. Of what State are you a native?—A. I was born in Georgia, and raised in Alabama, and have been in Mississippi since 1868. I have only lived in those three States.

Q. Were you in the confederate army?—A. Yes, sir.

Q. Were you in the State of Mississippi during the political campaign of 1875?—A. Yes, sir.

Q. Did you take any part in it?—A. Yes, sir; I took some part in it.

Q. What counties were you in during that campaign?—A. I was in several counties during the time. I at the time represented the district that my county is in, in the State senate. There are three counties in the district, and I was a candidate for re-election.

Q. What counties are in your district?—A. Noxubee, Neshoba, and Kemper, at that time. The State has been redistricted since.

Q. Did you canvass your district?—A. I canvassed Kemper County only, the county I live in.

Q. You may state what was the character of the campaign in 1875. Commencing with the first and running right down through.—A. I did not engage in the campaign when it was opened. At the time the republicans held their convention I was in Saint Louis. They nominated their candidates for representative and county officers, but for some reason they did not make any nomination for State senator, and held a convention for that purpose after I returned. I had decided not to be a candidate for re-election or a candidate for any political position. However, after being nominated I concluded to go into the campaign. It was then about half completed in the county. I made several speeches at Scooba, Wahalak, De Kalb, and two or three other places, perhaps, in the county.

Q. Go on and state what was the character of the campaign, and how it was conducted on the part of the democrats.—A. So far as the campaign was conducted on both sides, there was considerable feeling, though only in a few instances of a very excitable nature. At the republican meetings there were large numbers of democrats who attended the meetings, which was something unusual for them, and the speakers generally were interrupted with questions in various ways. So far as my individual scrutiny is concerned I do not think I was ever interrupted at all on the stand while attempting to make a speech. At some places reports would come to us that we could not have any meeting,

THE NUMBER OF ARMED MEN IN TOWN.

Q. How many did you see yourself?—A. I saw myself that day, passing backward and forward, at least some two hundred and fifty or three hundred and fifty men.

Q Men whom you knew?—A. I knew most all of them; some of them I didn't.

Q. From what distance had they come?—A. They that I knew, some of them had come twelve miles, and some ten, and some five, and some two miles.

Q. What time of the day was that?—A. Some were from Blackwater, a distance of twelve miles, and I suppose they were in there, I will say, about 9 or 10 o'clock.

Q. How long did you remain in De Kalb on election-day?—A. I was not in De Kalb on election-day.

Q. You left the night before?—A. Yes, sir.

Q. When did you see these people?—A. On the morning before I left.

Q. Did you see them at all on the morning of the election?—A. No, sir.

Q. Do you know where they were on election-day?—A. I was not there.

Q. Then what passed in De Kalb on election-day you know nothing of, personally?—A. I don't know a thing about it.

Q. Do you know personally what happened at any other polls on election-day in the county?—A. I do not.

By Mr. McMILLAN:

Q. Who is your chancery-clerk?—A. Dr. F. M. Poole.

Q. Who were the gentlemen that inquired about the registrar's books?—A. I think it was a Mr. Brittain and Mr. Fox—I am satisfied one or both of these men.

THE REGISTRARS' BOOKS AGAIN.

Q. Were they judges of election?—A. Had nothing to do with it at all.

Q. Mere citizens?—A. Mere citizens; but I am not positive, after going out and reflecting about it, but I stated to them when they first asked me that I knew nothing about the books, and afterward my deputy came to me and told me that the books were locked up in the safe; and then I told them as soon as he told me that the books were in the safe, and I says, "If you will get permission from Lee, the president of the board of registration, I will turn the books over to you."

Q. Did you hear of Mr. Dillard coming from Alabama to make some speeches in Mississippi during that campaign?—A. Yes, sir; I didn't meet him anywhere there, but I heard of his making several speeches.

Q. Did he make any speeches in that county?—A. He didn't that I know of; and of course I would have heard of it if he had.

SILAS GILES—KEMPER COUNTY.

NEGROES ADVISED TO ARM.

ABERDEEN, MISS., June 27, 1876.

SILAS GILES (colored) sworn and examined.

By Mr. BAYARD:

PERSONAL STATEMENT.

Question. Where do you live?—Answer. I live in Kemper County, Miss.

Testimony of J. P. Gilmer 1876

Q. You say you suppose. Do you know?—A. This was told me.

Q. You do not know anything about it?—A. I do not know it of my own knowledge. I did not see it. It was told me the next day.

Mr. HOOKER. I submit respectfully, Senator, that there ought to be an objection interposed there, and we shall do so, as it is hearsay evidence.

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that we were going to be interfered with during the time of speaking; but the real excitement that amounted to anything seemed to be about the latter days of the campaign; that is, where I was present, at Scooba, Wahalak, and De Kalb.

Q. State what occurred there. State what the excitement was, and what was done.—A. We closed the campaign in Kemper County with public speaking at Scooba on Saturday before the election, which was held on the following Tuesday.

By Mr. MONEY:

Q. On Saturday?—A. On Friday or Saturday; I will not be positive about the date. It was on Friday or Saturday before the election which was held on Tuesday. There was a gentleman up there, and I do not now remember his name, from Enterprise. He had succeeded in getting a large portion of the colored element, and a great many democrats, white people, who were in there, and he was making a very bitter and, as I thought, a very incendiary speech. There had been threats made to me prior to that in Scooba, by leading men around there, about in this way, that "Next Tuesday," or "the first Tuesday in November your sort will go up, and you will have no longer any influence in Kemper County;" and even in terms worse than that; but I did not pay much attention to them. As there seemed to be some excitement on that day, I went into the office of the mayor, Mr. Wood. There was myself, and Judge Chisolm, Mr. Miller, and Mr. Duke. I do not remember whether there was any one else there or not. These threats had been made to me prior to that. They said, "You shall not, as you have done heretofore, put the ticket into the hands of the negro and make him vote that ticket." We were in there consulting about the manner in which the election should be held. Myself and Judge Chisolm made the proposition to Mr. Duke, to Mr. Miller, to Jones, and Mr. Hab. Wood, the mayor of the town, that we had never been guilty of these charges, and we had never forced anybody to vote any way except according to his own conscience, and that we were perfectly willing to let it be understood by both sides that the democrats could electioneer as much as they pleased; but we would put tickets in some place where it could be understood that republican tickets could be gotten, and all parties who wanted to go and get a ticket, whether republican or democrat, could get their ticket and nobody should interfere with them or bother them, or talk to them at all, but just let them go along and vote as they pleased; and that on the day of the election we would have no canvassing whatever, and not try to influence a single vote. Mr. Wood was disposed to agree to that; but Mr. Duke would not agree to it.

By Mr. TELLER:

Q. Mr. Wood was a democrat?—A. Yes, sir.

Q. Mr. Duke, too?—A. Yes, sir; Mr. Duke would not agree to that. He said he proposed to canvass as much as he pleased. Mr. Jones said he did not propose that there should be tickets taken away from the negroes and they cursed for having voted the democratic ticket as had been done before, or as I had done, rather. I said, "Mr. Jones, if you say I ever cursed any one, or forced anybody to vote any way but according to their own consciences, it is not so." He said, "That is the report all over the country." I said, "The report all over the country then is a damned lie, and the author of it is a damned liar." At that time Mr. Dunlap, the marshal, came in and said there was great excitement out on the street, and he wanted the police force of the town in-

creased. Then I left and I came around to the rear end of the store that I was occupying with myself and brother, and we got some goods-boxes there and assembled a big crowd and we had some three or four speeches. While the speakers were interrupted occasionally, I did not see any excitement at that time; but during that evening and Sunday following there were colored men who came to me, and some white men, too, who were democrats, and told me in a confidential way that they did not want their names exposed, lest it would result in their injury, but that efforts would be made to assassinate myself and Judge Chisolm, the leading republicans, on the day of election; that Alabamians would be over there, and that on Monday night they would have torchlight processions.

Mr. MONEY. This is all hearsay. I wish it understood that it is not necessary for me to object every time.

Mr. TELLER. You had better mention it when you want an objection entered.

Mr. MONEY. I want to object every time that the witness mentions hearsay evidence.

(Objection overruled.)

The WITNESS. They said that there would be torchlight processions that night all over the country.

Q. (By Mr. TELLER.) The night before the election?—A. Yes, sir; and that they intended to assassinate me and Mr. Chisolm. Mr. Orr, one of the managers of the election, told me, "There is no use in talking," said he, "I am afraid to hold the election."

Q. Was he a democrat or a republican?—A. A republican.

By Mr. MONEY:

Q. Was he one of the judges?—A. He was one of the managers of election at the precinct.

By Mr. TELLER:

Q. White or black?—A. He was a white man. He sent around to my room, late on Sunday night, word that he had just been up to see his sister, whose husband was a democrat, up near Wahalak Station, that day; that she had sent for him to be certain to come there; that it was very important that he should go there. He said he had been up there, and his sister had informed him that she had information from her democratic friends of what would be done with himself and other leading republicans there, and advised him not to remain in Scooba, but to leave Scooba until after the election, and have nothing to do with it. He seemed very much alarmed. I knew there were good grounds for being alarmed, but I did not know whether it was so bad. I informed him that I did not think there would be much trouble; that nobody would bother him; that these reports might be put out for the purpose of scaring him. That night there were couriers coming in from the country and posting me of threats they had heard, and asking me if we could not get assistance in the way of United States troops for protection. They said that night-riders had shot into the houses of the colored people at night, and there were people traveling all over the country at all hours of the night.

By Mr. MONEY:

Q. This is what you were told?—A. Yes, sir.

Mr. MONEY. I want to object to the whole of that from the time the difficulty happened in the mayor's office. All has been hearsay since that.

Mr. TELLER. Your objection will cover the whole of it.
(Objection overruled.)

The WITNESS. That was kept up for the whole night. On Monday morning I went down on the streets and I saw men—however, I am getting along a little too fast—I saw men coming in Saturday night and Sunday night. On Saturday, and even Friday night, prior to that, I saw them coming in with guns. I will get back now. On Monday morning the men were in the streets. There was a crowd and there appeared to be great excitement. As I walked down street to my store I heard curses of "God damn the radical party," and "God damn the United States Government," and threats that "We ought to hang them, God damn them," to a great extent all along the street. I had been sent for by a citizen of Scooba, a democrat.

By Mr. TELLER:

Q. Were these white men and democrats that you heard make these threats?—A. Yes, sir; they were all white men and all democrats. I had been sent for by a personal friend, who was a democrat, and he informed me that my life would be in danger, and that in a very short time there would be a lot of Alabamians over there armed, coming there ostensibly for the purpose of assassinating me; that, perhaps, they would go on to De Kalb and assassinate Judge Chisolm and other leading republicans there. I left for De Kalb. I was advised by this friend to go there, and to take a by-way, and not go the main road. I started—I knew the country pretty well, and I took trails winding about a way I did not think was traveled very often, except by deer and wild animals of the forest. I saw that at the roads, as I would approach them at the forks, there were apparently guards stationed, three and four men on horseback, with guns. I got to the house of a man some six or seven miles from De Kalb, who I did not think had much interest in politics. I had befriended him on a few occasions, and I thought he would be my friend. I told him I wanted some water, intending to talk with him. Said he, "Gilmer, what is all this excitement for?" I said, "I do not know. I am nearly perished for water. I do not see any men about." I wanted him to tell me if there was any trouble first. He said, "Yes; there is a young man who just left here, and several parties have just passed by my house with guns."

Mr. MONEY. I object to all that.
(Objection overruled.)

The WITNESS. He said, "Yes; there is a man, who just left here, young Mr. Overstreet. He came here for my gun, and I refused to let him have it. He said the negroes were fighting in De Kalb, and that Judge Chisolm was at the head of it, and the people were hurrying on to Sucarnoochee bridge," a crossing about two miles from De Kalb; and he said to me, "Gilmer, if you go there, you will be killed." I replied that I guesed not. He said, "I will just swear that you will be killed, but do not say a word that I told you." I said, "I want to get to De Kalb. Can I get there without going the road?" He says, "Yes; but there are guards all along the road every mile, and you cannot go in the road to De Kalb without being assassinated." I said, "You do not think they would just shoot me down without giving me some showing, do you?" He said, "Yes; I do not think they would say a single word to you. I think that is the programme, not to open their mouths at all, but just to shoot you and Chisolm on sight." I said, "Well, then, I should like to get you to pilot me through the woods." He said, "I will go and show you about a quarter or half a mile through the woods,

and after that I will show you a road that you will be safe." We started, and when about a quarter of a mile he got scared and seemed to be very much excited, and wanted to go back and get his gun. I waited for him. He told me I better leave my horse in the woods, and take through the woods.

Q. (By Mr. TELLER.) Take it afoot?—A. Yes, sir; he went back and got his gun, and then he said, "I will go with you a quarter of a mile farther, and perhaps you can make your way all right." I insisted upon his going with me, and finally gave him fifty dollars to go.

Q. To go farther, you mean?—A. Yes, sir, to go farther until I got within about two miles of De Kalb, where I knew the woods very well.

By Mr. MONEY:

Q. Are you talking about 1875 or 1876?—A. 1875.

Q. Is not pretty near all that testimony in the Boutwell report?—A. I never was examined by that committee. I was summoned, but was sick.

By Mr. TELLER:

Q. Go on with your statement.—A. This gentleman conducted me some four or five miles through the woods to about two miles of De Kalb. After I crossed the creek, I came across a colored man picking cotton with his wife; I did not know them, but they knew me. This gentleman who piloted me refused absolutely to go any farther. I asked the colored man to go with me, and he went with me and piloted me through the woods to the town. Afterward this colored man, or his wife rather—I was there—told me——

Mr. MONEY. I object to that.

(The objection was overruled.)

The WITNESS. She told me that I had scarcely got out of sight when two parties rode up with double-barreled guns, inquiring if I went that way, and they said I was somewhere in the woods trying to make my way to De Kalb. I took the precaution before I left to tell her if any one passed by and inquired for me to say that I had not been there, and she says she so answered. I got into De Kalb and found considerable excitement there. I did not go down the streets, but I was nearly there when I met some of my friends, and I found that a report had been put out about me. I had recently been to Jackson, and I found the report had been put out that I had shipped arms to Shuqualak and to Scooba by railroad, and, in addition to that, that I had brought a trunk back from Jackson heavily laden, supposed to contain ammunition; and also that a wagon-load of arms had gone through the country to De Kalb from Jackson, for the purpose of arming the negroes, and, in addition to that, that we had shipped about forty barrels of whisky, which they claimed to be an unusual amount for that little town, and that it was for the purpose of making the negroes drunk and arming them with these guns in order to create an excitement among the colored element to make them attack the whites. I was informed of that by republican friends. When I got to De Kalb I asked for the informant, and they referred me to Captain James Watts and lawyer E. G. Ellis, both lawyers and democrats of that town and county. They said they had got their information from them, and that they were talking about moving their families out of town to get them away from any trouble that might occur on account of a riot from the radical party. I asked Mr. Watts and Mr. Ellis if they believed any such thing. They said they did not hardly think it of me before, but that this report came from a very reliable source. I do not remember what they told me at that time, but my understand-

ing was that they told me that Mr. Duke was the man who wrote the letter up there. I am certain they told me that; but afterward they said I was mistaken, and that it was Mr. Franklin.

Q. Was there any truth in that report about the arms and whisky sent from Jackson?—A. Not in the least. I had been to Jackson, but I took a little hand-valise about this long [illustrating] with me, containing only perhaps a couple of shirts and handkerchiefs. I was only there a day or two, and that was all I took off, and all I brought back with me. If I had shipped these guns at either place, either by freight or express, or sent a package, the agents at each of those depots were democrats and white men, and they would have been bound to have known it.

Q. You did not do it; that is enough.—A. No, sir; I did not.

Q. There was no excuse for the story, then?—A. None, whatever.

Q. You had given nobody any reason to suppose so?—A. No, sir.

Q. You need not state what these men stated about that; it is enough to deny the proposition. Go on and state what further occurred.—A. We went to the woods.

Q. What did you go to the woods for; for safety?—A. Yes, sir. I would not have gone there if it had not been for safety. However, before I went there, there was some excitement about holding the election. Mr. Brittin, Mr. Welch, Dr. Fox, Mr. Ellis, and myself, and some republicans were in conversation. These first I mentioned were democrats. They told me that if the election would go on at Scooba, the managers of the election need not fear; that they would not be interfered with. I told them that if they would write to the leading men to give these parties protection, I would write such a letter to Mr. Orr, one of the republican managers of the election; that if they would assure me that he would not be interfered with, I would write to him that I did not believe they would be interfered with. I wrote to them, and left the note to be sent, and I went into the woods.

Q. This was the Saturday before the election?—A. This was on Monday before the election.

Q. The day before?—A. Yes, sir.

Q. How long did you stay in the woods?—A. We staid there——

Q. Whom do you mean by "we?"—A. Myself, Judge Chisolm, Mr. Rosenbaum, Mr. Hopper, and two or three others.

Q. Were all of you white men?—A. All of us were white men.

Q. And all republicans?—A. And all republicans.

Q. All prominent republicans?—A. Yes, sir; all were prominent republicans.

Q. How many of those men were natives of the South?—A. They are all natives of the South, I believe; most of them for a number of years, at least prior to the war of 1861, citizens of Kemper County.

Q. Go on with what you did. You said you went into the woods. How long did you remain there?—A. On Wednesday or Thursday we returned. It was either Wednesday morning or Thursday morning; I will not be positive. We went into the woods on Monday night and we returned either the first or second morning after the election.

Q. You went on Monday night?—A. Yes, sir; we returned to private residences. We did not go down town. It seems to me it was the second day after the election.

Q. Was the election held that you speak of?—A. That is the report.

Q. You understood they did hold it?—A. Yes, sir; I understood they held it.

Q. When you came back, was there any interference with you?—A. None whatever.

Q. The election was over, and the excitement had subsided?—A. Yes, sir; there was no occasion for interference then.

Q. That was in 1875?—A. Yes, sir.

Q. That ended that election?—A. Yes, sir.

Q. Do you know how the vote was in 1875 in Kemper County?—A. I do not know the total registered vote of the county. It must have been about 2,800 or 2,900.

Q. Which way was the majority of the registered vote, republican or democratic?—A. So far as colored is concerned?

Q. That is what I mean really.—A. They were very nearly equal.

Q. You had some white men who voted the republican ticket?—A. We had some 150 or 200 white men who vote the republican ticket all the time when they can do it without any fear of intimidation.

Q. Are they native southern men?—A. Yes, sir. I do not think there is a northern man living in the county; that is, a man who was born north of Mason and Dixon's line, and who was in the Union army.

Q. All these southern men who voted the republican ticket were also in the Confederate army?—A. Yes, sir; that is my understanding. I did not go into the Confederate army from Mississippi. I went from Alabama.

Q. What rank did you hold?—A. I was second lieutenant in a company at first. I was in a militia or rather an infantry company. I preferred cavalry, and I resigned about twelve months before the war closed, and went as a private in a cavalry company.

Q. How did the vote stand in 1875 in your county? Which party got the majority?—A. The democratic party got the majority by about 900 and something; upward of 900.

Q. Did the republicans poll their vote?—A. I do not think there were more than three or four republican votes cast at De Kalb, a voting-precinct which constituted a whole board of supervisors, and the colored majority there was at least 100, or perhaps more. A great many white republicans in that beat vote the republican ticket when they can, and the democrats voted about their registered vote.

Q. What is the usual majority in the county?—A. The usual majority in the county was from 200 to 300.

Q. Republican majority?—A. Yes, sir. We always counted Kemper at a fair election at 200.

Q. What was your politics before the war?—A. Before the war I was too young to have any politics. I was fifteen at the breaking-out of the war; still I had as much politics at fifteen as I have now; I was in for the South, I was in for the Confederacy.

Q. What I mean really was, whether you belonged to the whig element or the democratic.—A. I belonged to the democratic element. The whole of my people acted with the democrats, and I did until I went to Mississippi.

Q. Do you want to make any statement of anything else that occurred in 1875? Was there any disturbance in any other county that you know of? I do not care about it, unless you know it of your own knowledge.—A. I was in one other county.

Q. Do you know anything about the canvass in other counties?—A. Yes, sir. I canvassed one other county, Warren County.

Q. Was there any disturbance there?—A. Yes, sir; there was a great excitement there and considerable disturbance.

Q. Any that you are personally knowing to?—A. Of my own per-

sonal knowledge I can only give you one or two instances. On the 5th of July, the 4th of July having come on Sunday, there was a meeting gotten up.

By Mr. PEASE, (for Mr. TELLER:)

Q. State anything that occurred, of your personal knowledge, of violence and intimidation in the election of 1875.—A. Some two or three weeks prior to the 4th of July, some of the leading colored republicans in Warren County came to me and asked me what I thought of getting up a mass-meeting of the people there in that county, the colored people especially, and everybody else who would join in with them, to assemble at the court-house on Monday, the 5th day of July, for the purpose of celebrating American Independence, and to invite speakers from abroad—that is, throughout the State, prominent men of both political parties, of both colors. I think, however, they decided, without my giving them any advice one way or the other, to hold the meeting, and asked me to suggest the names of some prominent men there to address them. We got up the meeting. I think Col. Horace Miller, from Vicksburgh, and I cannot think of another prominent lawyer there on the democratic side, were invited to address the meeting. Ex-Governor Powers, Adelbert Ames, the governor of Mississippi, Judge Chisolm, the secretary of state, James Hill, General George C. McKee, member of Congress from that district prior to that time, and, I believe, Judge Bram, and others, were invited over to address the meeting. Only a few of them, however, attended.

Q. State what occurred, and come precisely to the point.—A. The meeting was organized by making myself chairman. There were 1,200 or 1,500 men in the house, perhaps. After we had organized the meeting by appointing a chairman and secretary, a colored man, whose name I forget now, an elder in the church there, read the Declaration of American Independence. I believe that was all he had to say, except some introductory remarks before he proceeded to read it. Then, afterward, Judge Bram, the then circuit judge of the district comprising that county, made a speech, and then next followed Mr. Hill, secretary of state, a colored man. After I had introduced Mr. Hill to the meeting, and while he was making his speech, messengers came to me stating that there would likely be some trouble there; that some one would be killed, and the meeting would be broken up. Some of my friends suggested that I should go down-stairs and see if I could find out whether there was really any good ground for apprehension or not, and, if possible, to try to prevent trouble. I went down-stairs, and I met some prominent men on the other side down there, men I had confidence in, and men who had been my friends as I looked upon them. I asked them if they knew anything about any disturbance. Their reply to me was that they did not; that they did not hardly think there would be any, and if there was to be they did not know it. I met some republicans there, among them General George C. McKee, and I asked him if he thought there would be any trouble. He said, "Well, Gilmer, have you not been here long enough to know the class of people who have come up to this court-house? I think that ought to satisfy you of what is going to be done." Said I, "What do you mean?" Said he, "Do you notice that riffraff and those fellows up there?" I believe that was about the expression he used. I turned off from him at that time and met Dr. Heburn, now a member of the legislature from Warren County.

Q. A democrat or republican?—A. A democrat; he has been a democrat all the time. Dr. Heburn is somewhat of a horse-racer and a

mighty jolly fellow. I had met him several times and we were very intimate. He asked me to walk over across the street to a bar-room and get a glass of beer or whisky, I do not remember which. I concluded I would go, as I would have a chance to talk with him, for I was satisfied he was my friend. We went over, and just as we were going down the court-house steps I heard a pistol go off up-stairs where the meeting was. I recollect I saw three or four men standing near the window, who jerked out their knives, and then two or three other pistols went off. I turned around to go back. Dr. Heburn and two or three other parties that accompanied us—I do not know who the other parties were, but I think they were all democrats; at least they were all white men; they might not have been democrats, but I think they were; I think they were all my friends, at least I thought so at that time—they said, "Do not go back up there." I said, "I must go up and try to preserve the peace." Dr. Heburn says, "They will kill you, and nobody wants to see you harmed." I was not anxious to go back, although I thought if I could have been of any service and could have just quieted their troubles I would have gone back. We went into the bar-room, which was just across the street, and shut the door. We got our drinks, and in a little while I told them I must go up to the meeting. I went out and went over into the court-house. When I got up there every bench, I think, in the court-house (and I took particular pains afterward to notice) was broken to pieces, the backs and legs spread about and torn apart. I saw, however, before I went up there colored men jumping out of the window, out of the upper story; and there were some seven or eight who had a negro down there, a negro by the name of Ben Allen. I do not remember all the parties. Mr. Roan Pegrum was one of the parties who had him down, and they were punching him in the face with spittoons and pistols and pieces of benches that had been thrown apart. Pegrum and I were friendly, and I went up to him and said, "Roan, do not beat that man that way; if you are going to kill, kill him, but do not beat him up that way." I thought that was the best way to get him to stop. He remarked, "John, I will stop." I asked him to stop the rest of them, and he went up to two or three of them, and they all quit. When the negro got up his face was fearfully lacerated. I never saw anything to equal it for a man to live and get over it.

Q. Was there any other violence, any other shooting, or were any persons killed? Be as concise as you can without going into details.—A. Mr. Hill, a white man, who formerly resided in Kemper County, and had been living there, had been knocked down in the door of the room that I occupied in the court-house, and they also shot a Mr. Edwards and some others. Mr. Edwards was a colored representative in the legislature at that time and has been re-elected. He was also badly beaten.

Q. He was a republican member of the legislature?—A. Yes, sir; they were lying up on my bed in the room. There were three rooms that entered one into the other. I went out for Dr. Quinn, and got him up there to wait on them. While he was up there I heard shooting outside of the court-house. Myself and Dr. Quinn walked to the window and looked out, and there were some fifty or a hundred strung along on the court-house square, inside of the court-house yard, shooting at colored men as they were running along the street; and the colored men were running for dear life to get out of the way. I do not know how many they killed. I saw two or three lying there, and one or two were dead.

Q. If you know, state the cause of this riotous proceeding and shoot-

ing and killing there.—A. It was all on one side; they killed negroes.

Q. State what you mean by being all on one side.—A. I mean that the white democrats were killing the negroes.

Q. Had the negroes done anything, to your knowledge, that could have made sufficient reason for such murderous and riotous proceedings?

Mr. MONEY. The witness said he was not in the court-house when the trouble began.

The WITNESS. No, sir; they gave no reason to my knowledge.

Q. (By Mr. PEASE.) Were you the sheriff of the county at that time?—A. No, sir.

Q. Were you holding the office of sheriff?—A. No, sir; I was not holding the office of sheriff at all.

Q. Were you deputy sheriff?—A. No, sir; I had not held the office of deputy sheriff for over a month.

Q. You had been deputy sheriff?—A. I had been chief deputy sheriff, and held the office for some four or five months. I went there about the 6th of February, or rather I took charge about that time, and I remained until I think about the 5th of June, perhaps.

Q. You stated that your place of residence is Kemper County. How did you happen to be in Vicksburgh as deputy sheriff in 1875?—A. I will tell you how I happened to be there. I carpet-bagged over there. That county was a very large county, and it had a larger population than any other county in the State. It was a county that might perhaps wield considerable influence in the politics of the State.

Q. You say you carpet-bagged over there. State to the committee what they are to understand by your carpet-bagging there. What do you mean by carpet-bagging?—A. I mean that any man who leaves his own county and goes into another county and holds office, if he is a republican, is called a carpet-bagger by the democrats. I was only using the term that they apply.

Q. That they apply to persons who hold office?—A. Yes, sir.

Q. State how you came to be employed there as deputy sheriff?—A. There had been great trouble the year previous in Warren County. There was great excitement all over the State, and reports of some two or three riots and the killing of a great many republicans and colored men. The sheriff had been forced to resign his office, and every effort was made that could possibly be made——

By Mr. MONEY:

Q. Is this of your own knowledge, or did you hear it?—A. I know that the trouble occurred. I did not see it, but anybody who lives in Mississippi knows it.

Q. You are stating what you got from newspapers and such sources of information?—A. It was my knowledge that the sheriff did not have a bond and could not make one, and he made arrangements through some of my friends by which I was to make his bond. I thought it was a great outrage that a large and influential county, a county that had at least four or five thousand republican majority, should be handed over to the democrats simply by cheating the republican officials, or rather defeating them from making their bonds when they were elected to positions. I felt that it was a fight being made on account of their being republicans and not against them upon any other ground. On that account I volunteered to go over there and to make Crosby's bond.

Q. To make the bond and run the office?—A. Yes, sir.

By Mr. PEASE:

Q. Was there any disturbance of a political character while you were holding the position of deputy sheriff there in 1875?—A. No, sir; not of a nature to amount to anything of my own knowledge. Afterwards I was out at Bovina, a place about eight miles on the Vicksburgh and Meridian road, holding a political meeting. I went out on the evening train between two and three o'clock with a man by the name of Shadd, a colored man who was formerly the speaker of the House of Representatives. We had been invited out to address the republican club at that place. The democrats had had a meeting at some time on that day. When I got out there they were through with their meeting and they did not bother me at all. I invited several of them up to the meeting, among them Dr. Heburn, as I remember now. Mr. Shadd had made his speech and I followed. I was on the floor perhaps five minutes—not longer than that, I think—when there was considerable excitement without. There was a call for Jack; that was a man by the name of Flanagan; he was there. He is now the democratic sheriff of the county and rather a prominent man. I looked out, but some of my friends there, Dr. Heburn and Mr. Potter, I think, told me to be still, to be quiet. They went out, and in a little while the crowd all dispersed. The colored men left one way and the few whites that were there with few exceptions went out on the train. They had just received a telegram that there had been a riot at Clinton. I saw the train pass by with one hundred or one hundred and fifty men on it, as I was informed. Dr. Heburn said they were going up there to kill and assassinate every republican there, and that was the cause of his going out to stop them. They then heard that we had a meeting, and stopped there on their way to Clinton.

Q. Were these men on the train armed?—A. Yes, sir; I understood they were all armed.

Q. Were they democrats?—A. I presume so. They went out on a special train to Clinton.

Q. State if you know anything of the public sentiment in Warren County toward republicans who go there?—A. With some classes it is pretty bad.

Q. What are we to understand by "pretty bad?" What do you mean by it?—A. I mean that some classes of democrats do not tolerate republicans under any circumstances; while there is another class of democrats who I do not think care, except they are led on. I, however, got along with most of them very well.

Q. Do you know whether there were any armed organizations in the county of Warren or in the city of Vicksburgh, while you were there, of a political character?—A. I was informed by a good many democrats that there were armed organizations there.

Mr. MONEY. I object to that, of course.

(Objection overruled.)

The WITNESS. I know I saw men going out at night with their guns, headed by men that I knew to be their leaders as democrats, and I was informed by other parties who pretended to know they were going out to drill. On two occasions I remember seeing some fifteen or twenty men going out late at night with their guns, and they informed me that they were the Flanagan Guards, I believe.

Q. (By Mr. PEASE.) Do you know the names of any other organizations of a similar character there?—A. If I do, I do not remember now. I have not charged my memory with the matter at all.

Q. Do you know of an organization that went under the name of Modocs?

Mr. MONEY. That is rather a leading question, I think, Senator.

Q. (By Mr. PEASE.) State the name of any organization there.—A. I know it was reportedthat there was an organization using the name of Modocs there, but I do not know whether the report was reliable and well founded or not.

Q. Were you in any other county in your senatorial district during the canvass of 1875? and if so, state whether or not you saw any disturbance.—A. No, sir; I was only in Noxubee once. I was invited there to make several speeches. Appointments were made for me, but I did not go there. I felt this way: I saw the tone while in Vicksburgh; that there was great excitement wherever the colored people predominated, and I had no idea that the republican ticket would be elected. I was not at all surprised at the result of the election in 1875. I went into the canvass against my wishes; not but that I was willing to do everything I could for the party, but because I thought it would be attended with a great deal of danger and that we could accomplish nothing.

Q. Were there any democratic papers published in your senatorial district?—A. Yes, sir.

Q. What was the tone of those papers?—A. I did not read them. One democratic paper I think was published at Macon, but at the time there was none in my county and none in the other counties forming the district.

Q. You have stated then all instances of violence or intimidation that came under your observation in 1875?—A. Yes, sir.

Q. State to the committee what you know in regard to any intimidation or violence that came under your observation in 1876.—A. I took no part, or very little, however, in the campaign of 1876. I did not think it was going to do any good. I did not think it was possible for the republicans to carry the State.

Q. Why?—A. I did not think it was possible under the management. The democrats were making four or five speeches in my county every day, and the report of those who attended them to me was that they were very violent and bitter; that they threatened they would carry the election in the same way that they did the year before; in other words, that they were going to carry it.

Mr. MONEY. Consider the objection made. The witness states too much upon information, that it is hardly worth while to continue repeating objections.

Q. (By Mr. PEASE.) Did you hear anybody make any threats to carry the county, fairly or unfairly?—A. Yes, sir. Do you want me to confine myself to my county in regard to that matter?

Q. To your own county, or any place that came under your knowledge or observation during the campaign.—A. I think it was Tuesday or Wednesday preceding the election which was to come off the 7th of November. Mr. Chisolm had three appointments. He was the republican candidate for Congress in Noxubee, and he closed the canvass; that is, it was to be closed with two speeches, one in DeKalb and one in Scooba.

Q. In Kemper County?—A. Yes, sir. I accompanied him, by request, to Scooba. That is in Noxubee County, on the Mobile and Ohio Railroad, and one of his appointments. He did not speak there. I went with him to Macon, and he made a speech there. I was to go with him to Brownsville. He did not make a speech there.

Q. State the instances where you were present.—A. In Shuqualak; we

got there early in the morning, about an hour by sun, and we immediately went to a hotel. I left Mr. Chisolm there, and I walked down town to the business portion of it, nearly a quarter of a mile from the hotel. I had a good many acquaintances there, and I went around and called on some of them. While there, several parties told me they were afraid there was going to be trouble, and asked me the question, "Do you think that you have any influence with Chisolm?" I replied, "I do not know whether I would have or not." They said, "Well, if you have, for God's sake do not get him to speak here to-day; if he does he will be killed. We are his personal friends. Although we differ with him in politics we are his personal friends. If you can possibly get him not to speak here to-day, do it."

Q. Who were these men who had this conversation with you; democrats?—A. Yes, sir.

Q. Leading democrats, prominent men there?—A. No, sir; they were about as prominent as ordinary citizens.

By Mr. MONEY:

Q. Will you name those men to me right here on this point?—A. Yes, sir; I can name them.

Q. If you please, give their names.—A. There were two Mr. Haneys—George Haney, I think, was one of the given names, and the old man, his father. The old man said he did not think there would be any trouble, but the young man did. Mr. Burridge, Mr. Pat McCaleb, a merchant there, who had been a merchant in the town I live in, was an old citizen of the county, and a man in whom I have confidence; Dr. Campbell, a practicing physician at Shuqualak. Mr. McCaleb went up to the hotel and requested Judge Chisolm himself, in person. After asking me to do it I asked him to go and do it himself. He went there again in person and requested Judge Chisolm not to make a speech, he told me. He said it is impossible to prevent trouble. Mr. Burridge told me——

Mr. MONEY. I object of course.

(Objection overruled.)

A. They said old Mr. Welch was up there and some others. They said there would be some trouble; that there were some parties brought there from Kemper County, and there might perhaps be some Alabamians there.

By Mr. MONEY:

Q. What Burridge was that?—A. Mr. George L. Burridge.

Q. The man who is here now?—A. Yes, sir. Mr. Burridge told me Mr. Welch was there.

By Mr. PEASE:

Q. And that there would probably be trouble?—A. Yes, sir; and he believed there would be. Democrats came in red shirts, fifty or seventy-five perhaps, mounted on horses.

Q. Were they armed?—A. I do not know whether they were or not, but I do not think I saw any arms about them. They rode around on the street on horses in front of the hotel, hallooing and abusing Chisolm. After I saw Chisolm, he decided he would not make a speech there. He—or his son, rather—got a telegram in the mean time from Dr. Olgood, the sheriff of the county, stating not to have any speaking; that he himself and Judge Dillard were on their way there. When they came, Dr. Olgood ordered the republicans to leave; he said they could not have any meeting there.

Q. Dr. Olgood was the sheriff?—A. Yes, sir; he was the sheriff of the county. However, before I left there, there were some twelve or fifteen men dressed in red shirts, who came up there. I do not know what their mission was. The hotel-keeper went out and prevented their coming in. I thought from their gestures that they seemed to be excited, but I heard nothing they said.

Q. You saw them?—A. I saw them.

Q. Were they armed?—A. Some of them had pistols buckled around on the outside, perhaps one or two that I noticed. I will not be positive whether I noticed more than two.

By Mr. MONEY:

Q. Your conclusion, then, about their intention was conjecture?—A. Yes, sir; and only from what I heard afterward. We hired a carriage and we put out. There were two or three buggies and carriages, and some were on horseback. We went to Macon, a distance of about ten miles.

By Mr. PEASE:

Q. You did not hold a meeting there that day at all?—A. No, sir; we had no meeting whatever.

Q. For the reason you stated?—A. Yes, sir; for the reason that we were afraid we would be killed if we held a meeting; that there would be trouble, and some one would be killed.

Q. Did anything else occur that day?—A. On our route to Macon, parties were posted along at two or three houses, at two places, I think, perhaps at three places; but there were only four or five men, and they might have been parties just stopping there. They would halloo at us, or rather swear at Chisolm and curse him. They did not say anything to the rest of the crowd. That is all that occurred that day that I remember now.

Q. Was it a customary thing for the democratic organizations known as clubs in your vicinity and district to be armed?—A. The impression there among the republicans is that they are pretty well armed.

Q. Do you know it of your own knowledge?—A. I never attended any of their clubs.

Q. Have you seen their clubs in procession armed?—A. No, sir; not in 1876.

Q. Have you at any other time, in 1875?—A. Yes, sir; I saw men in Kemper armed in 1875.

Q. Did you see any demonstrations of the kind you have mentioned at De Kalb the day before the Presidential election in November last?—A. Yes; you are examining me on Kemper now.

Q. Yes.—A. I will have to relate my trip to Macon in order to show how we came to De Kalb.

Q. It is not necessary. Just state the instances as concisely as possible.—A. I was at De Kalb Friday evening, on the 3d of November. We got there about an hour by sun; that night there was some shooting and firing of cannon around Judge Chisolm's residence. My residence is a short distance from his. The moon shone very bright, and I could see out. Parties commenced pouring into town early. Some two or three hundred democrats were in procession; perhaps there might have been two or three colored people with them. They marched in front of Judge Chisolm's residence and stopped.

Q. Were they mounted as a cavalcade?—A. No; they were on foot. They had a band there, said to be from Gainesville, Ala., and I presume it was; they had no band in the county that I knew of—a

brass band; and they marched by the front of Judge Chisolm's residence. The first time they marched by, I do not think they shot; but the next time they marched by yelling and whooping like wild savages and firing pistols up in the air. They then marched down town to the nearest grocery and back again. The next time they marched by there they would fire their pistols up into the air, and some of the pistols made indentations into a house; at least there were fresh indentations there.

Q. Do you mean the pistols or the bullets?—A. The bullets. I did not hear any of them strike the house myself; but at the time some of them said, "Listen; they have struck the house." We went out after they passed by, and we found some indentations.

By Mr. MONEY:

Q. You do not know whether there were any there before or not?—A. No; I do not know whether there were any there before or not.

By Mr. PEASE:

Q. Was Chisolm's family in the house?—A. Yes, sir; his family and my own wife and child.

Q. Several ladies and children?—A. Yes, sir; and some others. He had a grown daughter there, and two or three children. There were several ladies and children there from the town. I do not remember now who all were there.

Q. State anything else that occurred, if you know.—A. I believe that is about all I know, near the house.

Q. Do you know of any other occasions when armed men surrounded Mr. Chisolm's house or your house?—A. They never did surround my house; nor did they shoot off any pistols in front of my house. I was informed that a cannon was put there in front of my house to fire off, and that Mr. Welsh, the deputy sherif, went up and ordered it to stop.

Mr. MONEY. I object to all this.

Q. (By Mr. PEASE.) On this occasion you have described the procession marching by Judge Chisolm's house and firing their pistols. Will you state whether or not other bodies of men came there on that day?—A. They marched by there several times, the same procession, I thought. They would form again. They would break up when they went down town, and perhaps in fifteen or twenty minutes or half an hour they would march back again. After the great body of the people had disbanded and gone home, as I thought, there were some few parties standing in front of the jail, which fronts Mr. Chisolm's residence, and some of them had guns and some did not.

By Mr. MONEY:

Q. Was that the same day that this other demonstration occurred?—A. Yes, sir; on Saturday, the 4th of November, 1876.

Q. The same day this other procession marched by the house?—A. Yes, sir. The jailer of the county was out in front of his jail halloaing to the crowd. We could hear him very plainly. He was cursing Chisolm, telling him to come out, and telling him what they would do to him. I do not remember now the exact language he used.

By Mr. PEASE:

Q. Is this jailer a democrat?—A. Yes, sir; appointed by the sheriff of the county there.

By Mr. MONEY:

Q. You heard him do this?—A. Yes, sir; I heard him, and saw it.

By Mr. PEASE:

Q. He was cursing Mr. Chisolm and telling him to come out?—A. Yes, sir; and making threats. I do not know the exact words, either "kill you" or "drown you."

Q. In substance that they would kill him?—A. Yes, sir. Another young man, one of the deputy sheriffs, a young Mr. Welsh, was standing on the ground with his double-barreled gun. I did not hear him making any threats or saying anything, but he was standing by.

Q. Was there any effort made by the officers of that county to quiet these proceedings?—A. No, sir. The sheriff went around and would get hold of a man and take him back just behind the corner of the street and turn him loose, and he would come back again.

Q. The sheriff is a democrat?—A. Yes, sir.

By Mr. MONEY:

Q. That is the jailer you are speaking of?—A. Yes, sir.

By Mr. PEASE:

Q. Was there any appointment for a public meeting at De Kalb on the day on which you described this turbulent proceeding?—A. The republicans had made an appointment there for the republican candidate for Congress to make a speech. The democrats had advertised to have a barbecue there the day previous to that, but they disbanded their meeting, and did not have any barbecue or any meeting, and they all repaired to Scooba, where the republican candidate had advertised to speak—a place about thirteen miles' distance.

Q. This was the day previous, on Friday?—A. Yes, sir.

Q. Instead of having a barbecue at De Kalb, as advertised, they went to Scooba to the republican meeting?—A. Yes, sir. Their barbecue was advertised for Friday, before the appointment of the republican candidate for Congress, which was on Saturday. They did not hold their meeting on Friday at all, but repaired to Scooba. They had, on Thursday, a meeting at Scooba, and then the other appointment was to be at De Kalb on Friday. The republican appointments were to be at Scooba on Friday, and De Kalb on Saturday. We learned that the democrats were waiting over at Scooba for us, and going to have two days' speaking there. We did not go to Scooba at all on Friday.

Q. You abandoned the meeting at Scooba?—A. Yes, sir.

Q. How about the meeting on Saturday at De Kalb? Did you hold the meeting as advertised?—A. No, sir; we did not go out of the house.

Q. Why did you not hold that meeting?—A. Prominent men, democrats, sent word that there would be trouble if there was any effort made to have a political discussion; and the fact that these parties had made threats, and had marched by the residence of the candidate for Congress, who was to speak that day, and fired into his house, struck such terror into us that we were afraid to attempt to speak.

Q. Do you know of any attempts to prevent the free exercise of suffrage of republicans in your county by threats, or a refusal to employ laboring men, mechanics? If so, state, as far as you know of your own knowledge.—A. No, sir. I do not know anything of my own knowledge.

By Mr. MONEY:

Q. Can you give the names of the democrats who said you could not meet that day at De Kalb?—A. If I am not compelled to do it, I prefer not to do it from the fact that they gave it to me in confidence, and it might be a matter of safety to my life in the future.

By Mr. PEASE:

Q. State what you know in regard to the treatment of the United States officers, whether they were interfered with in the exercise of the duties of their office during the year 1875 or 1876?—A. I know of none in the year 1875, and I know of none prior to the election in 1876. There were, perhaps, thirty-odd indictments found for violation of the election-laws in the United States courts for that county.

Q. In what district is that—the southern district?—A. Yes, sir; the southern district of Mississippi.

Q. The indictments were found at a recent term of the court?—A. They were found after the election for a violation of the election-laws.

Q. State what, if anything, occurred.—A. The marshal sent in all three deputies, with writs to make arrests. Some of the deputies made arrests, and took their own personal recognizance to appear so soon, and be ready to do whatever was asked. They were simply to remain there in the town of De Kalb until after the marshal had got all the other parties up. I was informed by the marshal that some of the parties said they would not go unless they would hire a four-horse carriage for them and pay all their expenses. I know only one instance, of my own knowledge, of any intimidation or violence used toward the marshal.

Q. State that as concisely as possible.—A. I heard Mr. Gully——

By Mr. MONEY:

Q. Which Mr. Gully?—A. John W. Gully, chairman of the democratic executive committee.

Q. The gentleman who was assassinated sometime afterward?—A. I do not think he has ever been assassinated.

Q. An attempt was made at it.—A. I heard that he has been shot. I suppose it is so.

By Mr. PEASE:

Q. State what occurred in any attempt made to interfere with the marshal.—A. I heard him tell the marshal "If you are a democrat, what in the hell are you doing up here on this kind of business, after these God damned thieving sons of bitches?" The marshal was rather a soft, quiet talking man, and I could not understand what he said. I was just crossing the street, coming from the court-house over to that side. I was fifteen or twenty paces from him. Gully has a very strong voice, and talked very loud.

Q. Do I understand you that he was the marshal or the deputy marshal?—A. He was a deputy marshal. The marshal himself was not there at all.

Q. State whether or not, on the day mentioned by you, the Saturday preceding the election, there were parties who came to Judge Chisolm, informing him of violence intended to him.—A. There were parties who came up there, as I before stated.

Q. Mention the circumstances. Let us have the names of the parties, and what they said.—A. There were several parties. There was Mr. Hopper.

By Mr. MONEY:

Q. These were republicans?—A. Yes, sir. I do not like to give the names of the democrats unless it is necessary. They only sent word.

Q. You know this to be so, and you are speaking of your own knowledge?—A. Yes, sir, of the parties.

By Mr. PEASE:

Q. He was cursing Mr. Chisolm and telling him to come out?—A. Yes, sir; and making threats. I do not know the exact words, either "kill you" or "drown you."

Q. In substance that they would kill him?—A. Yes, sir. Another young man, one of the deputy sheriffs, a young Mr. Welsh, was standing on the ground with his double-barreled gun. I did not hear him making any threats or saying anything, but he was standing by.

Q. Was there any effort made by the officers of that county to quiet these proceedings?—A. No, sir. The sheriff went around and would get hold of a man and take him back just behind the corner of the street and turn him loose, and he would come back again.

Q. The sheriff is a democrat?—A. Yes, sir.

By Mr. MONEY:

Q. That is the jailer you are speaking of?—A. Yes, sir.

By Mr. PEASE:

Q. Was there any appointment for a public meeting at De Kalb on the day on which you described this turbulent proceeding?—A. The republicans had made an appointment there for the republican candidate for Congress to make a speech. The democrats had advertised to have a barbecue there the day previous to that, but they disbanded their meeting, and did not have any barbecue or any meeting, and they all repaired to Scooba, where the republican candidate had advertised to speak—a place about thirteen miles' distance.

Q. This was the day previous, on Friday?—A. Yes, sir.

Q. Instead of having a barbecue at De Kalb, as advertised, they went to Scooba to the republican meeting?—A. Yes, sir. Their barbecue was advertised for Friday, before the appointment of the republican candidate for Congress, which was on Saturday. They did not hold their meeting on Friday at all, but repaired to Scooba. They had, on Thursday, a meeting at Scooba, and then the other appointment was to be at De Kalb on Friday. The republican appointments were to be at Scooba on Friday, and De Kalb on Saturday. We learned that the democrats were waiting over at Scooba for us, and going to have two days' speaking there. We did not go to Scooba at all on Friday.

Q. You abandoned the meeting at Scooba?—A. Yes, sir.

Q. How about the meeting on Saturday at De Kalb? Did you hold the meeting as advertised?—A. No, sir; we did not go out of the house.

Q. Why did you not hold that meeting?—A. Prominent men, democrats, sent word that there would be trouble if there was any effort made to have a political discussion; and the fact that these parties had made threats, and had marched by the residence of the candidate for Congress, who was to speak that day, and fired into his house, struck such terror into us that we were afraid to attempt to speak.

Q. Do you know of any attempts to prevent the free exercise of suffrage of republicans in your county by threats, or a refusal to employ laboring men, mechanics? If so, state, as far as you know of your own knowledge.—A. No, sir. I do not know anything of my own knowledge.

By Mr. MONEY:

Q. Can you give the names of the democrats who said you could not meet that day at De Kalb?—A. If I am not compelled to do it, I prefer not to do it from the fact that they gave it to me in confidence, and it might be a matter of safety to my life in the future.

By Mr. PEASE:

Q. State what you know in regard to the treatment of the United States officers, whether they were interfered with in the exercise of the duties of their office during the year 1875 or 1876?—A. I know of none in the year 1875, and I know of none prior to the election in 1876. There were, perhaps, thirty-odd indictments found for violation of the election-laws in the United States courts for that county.

Q. In what district is that—the southern district?—A. Yes, sir; the southern district of Mississippi.

Q. The indictments were found at a recent term of the court?—A. They were found after the election for a violation of the election-laws.

Q. State what, if anything, occurred.—A. The marshal sent in all three deputies, with writs to make arrests. Some of the deputies made arrests, and took their own personal recognizance to appear so soon, and be ready to do whatever was asked. They were simply to remain there in the town of De Kalb until after the marshal had got all the other parties up. I was informed by the marshal that some of the parties said they would not go unless they would hire a four-horse carriage for them and pay all their expenses. I know only one instance, of my own knowledge, of any intimidation or violence used toward the marshal.

Q. State that as concisely as possible.—A. I heard Mr. Gully——

By Mr. MONEY:

Q. Which Mr. Gully?—A. John W. Gully, chairman of the democratic executive committee.

Q. The gentleman who was assassinated sometime afterward?—A. I do not think he has ever been assassinated.

Q. An attempt was made at it.—A. I heard that he has been shot. I suppose it is so.

By Mr. PEASE:

Q. State what occurred in any attempt made to interfere with the marshal.—A. I heard him tell the marshal "If you are a democrat, what in the hell are you doing up here on this kind of business, after these God damned thieving sons of bitches?" The marshal was rather a soft, quiet talking man, and I could not understand what he said. I was just crossing the street, coming from the court-house over to that side. I was fifteen or twenty paces from him. Gully has a very strong voice, and talked very loud.

Q. Do I understand you that he was the marshal or the deputy marshal?—A. He was a deputy marshal. The marshal himself was not there at all.

Q. State whether or not, on the day mentioned by you, the Saturday preceding the election, there were parties who came to Judge Chisolm, informing him of violence intended to him.—A. There were parties who came up there, as I before stated.

Q. Mention the circumstances. Let us have the names of the parties, and what they said.—A. There were several parties. There was Mr. Hopper.

By Mr. MONEY:

Q. These were republicans?—A. Yes, sir. I do not like to give the names of the democrats unless it is necessary. They only sent word.

Q. You know this to be so, and you are speaking of your own knowledge?—A. Yes, sir, of the parties.

By Mr. PEASE:

Q. State what they said.—A. They informed me that if I went down the street I would be assassinated; that there were threats made that they would kill me. I went to Judge Chisolm and informed him that threats had been made that they were going to Scooba, and if he appeared there they would kill him, and that he should not speak.

Q. This party of informants was composed of republicans and democrats?—A. Yes, sir.

Q. Making any number?—A. There were not very many democrats. They only sent word by these republicans. I know of the republicans bringing the information, and saying they were authorized to speak for these democrats.

By Mr. MONEY:

Q. But there were no democrats in the crowd?—A. No democrats went to the house, of my knowledge, to tell him not to speak.

Q. Then what you know about that is what you heard from these republicans. That is, any information from democrats coming to Mr. Chisolm you only got through republicans?—A. At that time. But I have had democrats to tell me since that they did it.

By Mr. PEASE:

Q. Democrats have verified the statements made by the republicans who gave him this information?—A. Yes, sir.

Q. Were you present at the town of Macon, in Noxubee County, when Judge Chisolm, the candidate for Congress, attempted to make a speech during the late presidential canvass?—A. Yes, sir.

Q. State what you saw and heard there.—A. Judge Chisolm made a speech there, and Mr. Younger, a colored man, replied to him on the democratic side. He was a man they sent over from Louisiana, a very distinguished colored orator. The democrats sent a communication signed by the chairman of the executive committee to Judge Chisolm, asking for a division of time. The communication was handed to Judge Chisolm by a young lawyer of the town. I know the young man very well, but I cannot now call his name. It asked for a division of time and an arrangement for the discussion. Judge Chisolm said he would refer to Mr. White and Mr. McHenry, I believe, two of the republican members of the executive committee, as to whether he should grant a division of time; that he was in the hands of his friends in each county, and he had left that matter altogether to them; that he had done that in the campaign all around the district. The gentleman who handed the communication requested that the reply be written. Judge Chisolm asked me to go down into the office of the hotel and to submit his reply in writing and give it to the gentleman. I did so. They arranged for a discussion. First, Mr. Chisolm was to speak, I will not be positive how long, an hour or two; and then Mr. Younger was to follow him in about an equal division of time; and the arrangement was that then Judge Chisolm should have fifteen minutes or half an hour rejoinder; I will not be positive which it was. I think Mr. Younger had a little longer time, and the rejoinder just covered it so as to make the time equal.

Q. That is all immaterial; state what occurred.—A. While Mr. Chisolm was speaking and Mr. Younger was waiting for his rejoinder, I heard a good many threats, as "How long will we have to stand these damned scoundrels?" "Oh, hell, just listen to the damned republican;" and in that way remarks were made.

Q. This was while Judge Chisolm was speaking?—A. Yes, sir.

Q. By whom were these remarks made?—A. By democrats; you could hear these remarks while the speaking was going on, they were so loud.

Q. They were made by democrats?—A. Yes, sir; I heard some of them say, "Don't bother him now, damn him, wait till he comes to make his rejoinder and we will go for him. Let us get Younger to talk to these niggers."

Q. They said, "When he comes to make his rejoinder we will go for him?"—A. Yes, sir; "We will go for him then." "We will stop him." They were almost all of them armed. A great many of them, however, had been appointed special police or special deputy sheriffs to preserve the peace on both sides.

Q. Were these threats made by persons selected to preserve the peace? Did they say that they would go for him and stop him?—A. They were made in their presence and these officers did not make any effort to prevent it. I will not be positive that any of the parties appointed made these threats themselves. I communicated these things to Judge Chisolm by a note. I could not go to him and I communicated to him by writing. He came down and we went into the office of the circuit clerk. Two of the young men who had been appointed special policemen were there, and they appeared to be pretty nigh what I would call good drunk. They were able to keep up, though. These two young men insisted very much that Mr. Chisolm should go back and finish his speech. They said they wanted to hear the latter part of it; that they were very much interested in hearing Mr. Chisolm. A couple of prominent men, democrats, one of them prominent as a business man, came into the office. I know them very well.

By Mr. MONEY:

Q. What were the names of these men?—A. I do not care to give their names. They told me they did not want their names used in it. They said, "Tell Chisolm not to make any rejoinder. Those fellows are drunk, and we cannot control them, and whatever promises these young men here may make would fool you. I would not pay any attention to their promises at all."

By Mr. PEASE:

Q. They urged that Judge Chisolm should desist from making any further speech on account of fear of violence?—A. Yes, sir; they said any promise to protect him by those young men, or that class of men, would not amount to anything.

By Mr. MONEY:

Q. Do you know the names of these two young men?—A. No, sir; I know their faces very well, but I do not think I can now recall their names. I do not know whether I knew their names then or not.

By Mr. PEASE:

Q. Will you state whether or not you were present at a meeting held at Scooba some time during the latter part of August, 1876, a meeting at which Judge Chisolm was to speak?—A. Yes, sir.

Q. State to the committee what you saw and heard on that occasion.—A. I was there at one meeting in which he spoke. Judge Chisolm informed me that he had been invited by Mr. Neville down town to a joint discussion. Mr. Neville is a young lawyer of that town. Judge Chisolm asked me if I would go with him from DeKalb to Scooba.

Q. Never mind all these matters. Just state what you saw and heard

on that occasion.—A. He appeared there, and after several speeches had been made, Judge Chisolm got up late in the day to make a speech. He was speaking of the democratic party. He referred to Horace Greeley and to what Horace Greeley had said about Samuel J. Tilden. I do not remember the exact words, but in his letter that he wrote to him it was, "Thou canst not shake thy gory locks at me." He charged Samuel J. Tilden with being the cause of frauds in some election held in the State before that. In speaking of Mr. Tilden as a disreputable man in that respect, Chisolm referred to Horace Greeley as authority, and said that "it ought to be good authority, because he was your candidate for the highest position within the gift of the people four years ago." There was a man there by the name of Mr. Carr, who said, "That is a damned lie."

Q. Was he a republican or a democrat?—A. He was a democrat. He said, "That is a damned lie, Chisolm; that sort of stuff;" and he said, "You shall not speak unless you speak the truth." Some other parties said, "Go to hell, God damn you;" and in that way there seemed to be considerable excitement. Mr. Chisolm then said, "Well, I have been invited here to speak; but if I cannot speak, I will not make any effort." Mr. Neville got up and said, "Gentlemen, I invited Mr. Chisolm down here to the joint discussion. He came here at my invitation, and his friends have listened to me and given me an attentive hearing. I want you all to listen to him peaceably and give him your attention, and not interfere with him." Upon that the crowd subsided. Some young men told me that they had been solicited very strongly by some democrats there to keep the peace; that they were afraid there would be a little trouble.

Mr. MONEY. That is not evidence.

Q. (By Mr. PEASE.) Did Judge Chisolm go on with the meeting or not? Was it broken up?—A. I think he went on with it.

Q. Did anything else occur there?—A. There was some talk on the outside. I do not remember hearing anything said directly to his face.

Q. Did you hear any threats made yourself?—A. I heard some remarks that he ought to be permitted to go on and speak, but that he should tell the truth.

By Mr. MONEY:

Q. You say that you are a resident now of Scooba, but have been in Warren County for some time?—A. Yes, sir.

Q. You lived at Scooba before you went to Warren County, I believe?—A. Yes, sir.

Q. And you returned there?—A. Yes, sir.

Q. About 1875, what was the condition of political affairs in your county? In whose hands was the county at that time, and who was responsible for the condition of things there? I mean up to the election in 1875.—A. The county officers were republicans.

Q. And they had succeeded in keeping the county in a lawful state all the time? There was no outbreak or anything of that sort? The laws were strictly complied with and enforced?—A. As much so as in other counties in the State.

Q. Did you not kill a man at Scooba that year?—A. No, sir.

Q. In 1875?—A. No, sir.

Q. Did you in 1876?—A. No, sir.

Q. In 1874?—A. No, sir.

Q. Did you ever kill a man at Scooba?—A. I presume I know what you are driving at.

Q. That is what I want to get at.—A. It was in 1871.

Q. The county was then in the hands of the republicans, and Judge Chisolm was the sheriff?—A. Yes, sir.

Q. Were you ever indicted for that killing?—A. No, sir. There have been some twelve or fifteen grand juries since, both of democrats and republicans.

Q. You were never indicted?—A. No, sir.

Q. Did not a great deal of bitter feeling arise out of the circumstance of that killing on the part of the white people toward you and toward Judge Chisolm, entirely independent of politics?—A. I do not see why there should be any feeling against Judge Chisolm. There was a feeling as between me and some of this party's relations, and I did not speak with most of them.

Q. Was not that extensively used against you in the county? Was there not a great deal of feeling gotten up against you and against Judge Chisolm, who was held responsible for the management of the affairs of that county, he being the sheriff?—A. I do not know whether that was the cause of it or not. A good many democrats told me this party ought to have been killed, and that I was justifiable in doing it, and that if I would go with the democratic party it would be all right.

By Mr. PEASE:

Q. This was in 1871?—A. Yes, sir, in 1871, before I was in politics.

By Mr. MONEY:

Q. Give me the name of some democrat who told you that.—A. I dislike to give you the name of any man who would tell me that the party ought to have been killed.

Q. I do not want you to give that, but give the name of a democrat who said that if you would go with the democrats it would be all right.—A. I do not know that I can exactly recall any particular name just now. I might if you would give me a little time to think over it. But there may have been a hundred who told me so.

Q. And you cannot recollect one of the hundred?—A. Perhaps I can if it is necessary.

Q. I should like to have the names if you can give them. Take time and think of it.—A. Well, sir, I do not believe there is a democrat in Scooba but what has talked to me and told me if I would go with the democratic party it would be all right.

Q. I mean on account of this killing. That is what we are talking about.—A. Perhaps I do not understand your question.

Q. I ask you if a great deal of this bitterness which you complain of toward yourself and Judge Chisolm did not arise out of the killing of a Mr. Dawson by you at Scooba, and your protection by Judge Chisolm, who was sheriff of the county at that time, and the fact that there was no indictment found against you at all.—A. No, sir, I do not think any such feeling exists, from the very fact that the democrats have had the grand jury their own way ever since, and I have not been indicted, and from the fact that we are mighty friendly in our business relations.

Q. Have the democrats had possession of the grand jury since 1871?—A. They have it now.

Q. Is it true that they have had it since that time?—A. No, sir; but they have had the last two grand juries.

Q. This last year?—A. Yes, sir.

Q. Is not that offense barred by the statute of limitations?—A. I hardly think so. I do not think murder is barred.

Q. It was murder then, was it?—A. If it could be made out murder.

I do not know what kind of an indictment they might get. They might make it murder or they might make it manslaughter. I do not think any capital offense of that kind is barred.

Q. Is not manslaughter a capital offense, and was there not a special statute that barred all such offenses?—A. There was a special statute passed.

Q. Providing that an indictment could not go beyond a certain time?—A. Yes, sir; where parties did not leave the State; but that was repealed afterward; and whether that is applicable to my case or not, I have some doubt.

Q. As far as that is concerned, you know that no repealing of the statute would revive the offense.—A. The statute was passed after the offense was committed.

Q. Yes, sir, a good while.—A. And repealed at the next session of the legislature, I think.

Q. But the statute itself wiped out the offense? The fact was that that county was in the hands of republicans and under the administration of Judge Chisolm, and you were not indicted for this offense, call it murder, manslaughter, or whatever you please?—A. Yes, sir. So far as county offices are concerned, the board of supervisors in Mississippi appoint the grand jury.

Mr. PEASE. Have you that statute, Mr. Morey?

Mr. MOREY. I have not.

Mr. PEASE. I think it would be a good idea to have the statute produced.

Mr. MOREY. I guess there will be no dispute about the statute.

The WITNESS. Eight of the grand jury all the time were democrats. Two members of the board of supervisors of the district invariably have appointed eight democrats grand jurors; and the republicans have sometimes appointed democrats on the grand jury.

Q. (By Mr. MOREY.) You will not undertake to state what has been the composition of the grand jury since that time?—A. No, sir.

Q. As far as you are concerned, you were never interrupted in any of your canvassing personally?—A. No, sir; I was never interrupted, not while on the stand.

Q. In the campaign of 1876, you took no part in politics because you knew it was not worth while, you stated, I believe, on your direct examination?—A. Perhaps I may have stated that it was because I knew it was not worth while. I took no part in politics. I do not know that I intended to imply that I knew it was not worth while. But that would have been one reason.

Q. In 1875 you had a meeting at the mayor's office in Scooba with Mr. Chisolm, Mr. Miller, and Mr. Duke?—A. It was Mr. Jones. I gave the name wrong.

Q. There was something like an agreement then that there should be no electioneering on the day of election; that the tickets should be placed where they could be gotten at by both parties, and some gentleman objected to that arrangement?—A. We tried to make that agreement but did not make it. Some man on the democratic side objected to it.

Q. Mr. Jones's objection to it was that you had taken democratic tickets from the negroes and cursed them for voting the democratic ticket, and you denounced that as a lie?—A. Mr. Duke was the man who objected to it.

Q. You denounced that as a lie at the time of the report that you had forced negroes to take republican tickets and cursed them for voting

the democratic ticket?—A. Yes, sir; I denounced that then and ever since as a lie.

Q. This gentleman insisted that you were guilty of that?—A. He said it had been so reported of me.

Q. He insisted that it was the belief?—A. Not any further than that, I think.

Q. When you denounced it to be a damned lie, he did not take your word for it, but insisted that that was the report?—A. I did not denounce it in that way. I said the statement was false. He made the assertion that I should not take the tickets and tear them up, as it had been reported. I said "Mr. Jones, that is false." He said, "Well, it was reported on you throughout the country." And I said it was a damned lie.

Q. On that ground they still insisted, and this agreement was not made?—A. I do not remember his insisting any further than that.

Q. That was the objection to this agreement, and the agreement was not made?—A. The agreement was not made.

Q. At the time the marshal proposed to increase the police force, on account of the excitement, was the marshal a democrat?—A. The marshal was a democrat.

Q. He wanted them to keep down any disturbance and promote the peace of the meeting?—A. I should think so, if he wanted to increase the police force.

Q. Did not Mr. Jones, Mr. Duke, and all the prominent democrats that you talked with there, insist that there should be peace and quiet, and seem as anxious for it as you were?—A. I never saw any effort made on their part at all to keep the peace.

Q. Do you think that action of the marshal would not indicate it?—A. The action of the marshal was the only thing that would indicate it.

Q. He was a democrat?—A. Yes, sir.

Q. All that you stated as having been told at that time, by colored men and white men, that Mr. Chisolm would be assassinated, and that men were coming over from Alabama was hearsay?—A. I did not know of my own knowledge that they were coming.

Q. All this that you told here was hearsay?—A. The reports that I got that they were coming over there, of course, were given to me by others. I did not see them coming.

Q. You did not see any of them coming?—A. No, sir.

Q. You did not hear anybody say that Mr. Chisolm would be assassinated or that anybody else would be assassinated, you only heard reports?—A. O, yes; I have heard lots say since they believed he would have been killed, and one of the special police force on the day of election told me I would have been killed.

Q. Will you give the name of a democrat who told you so?—A. Since the election?

Q. Since, or before. I am more interested in what occurred before, because what occurred since is another matter.—A. Mr. A. G. Ellis.

Q. He lives in Scooba?—A. Yes, sir; he lives in Scooba. He told me he believed if I had been there I certainly would have been killed; but he did not attribute it to the citizens of Scooba.

Q. Was that before or since the election?—A. Since.

Q. I want the declaration of any democrat, or any other man that you can name, who said before the election that Mr. Chisolm, or yourself, or anybody else would be harmed for his political opinions, or for his course in the canvass?—A. Do you mean in 1875?

Q. Yes, sir.—A. I did not get any information from any democrats

who authorized me to use their names. They gave it to me in confidence.

Q. I want their names. You are here on a great public matter and private confidence has to give way before things of this sort. You have made the statement here that men did tell you that Mr. Chisolm would be assassinated in 1875, if he persisted in the canvass. I want the names of those who told you so. It may be necessary to send for those men.—A. I should like to have my testimony on that point read.

Mr. PEASE. I ask the reporter to turn to the testimony in relation to the election at Scooba.

Mr. MONEY. I do not see why that is necessary. I object to it. I am asking a simple question. The witness stated here that certain gentlemen told him that Mr. Chisolm would be assassinated. He did not call a name and therefore it is not necessary to refresh his memory on that point.

Mr. PEASE. I think it is highly proper to give the names.

The WITNESS. I can give the names. The only objection I have to giving names is this: that parties gave it to me in confidence.

Q. (By Mr. MONEY.) I respect your feelings on that point, but this is necessary.—A. They are men of good standing and character there and they may get into some trouble.

Q. If they told the truth I do not see how it would hurt them..—A. They pledged me very sacredly never to divulge it.

Q. These private confidences must give way in matters of this public importance. I respect your feelings, but I insist on the names.—A. If the committee insist that I shall tell it I will give the names.

Mr. MONEY. I insist.

Mr. PEASE. Ordinarily in a court of justice, of course, it would be competent to require the witness to give the names, but I think it would be well under the circumstances to submit the thing to the committee.

Mr. MONEY. You do not object to the propriety of the question?

Mr. PEASE. No, I do not; I think it is highly proper; but I should prefer to have it left to the committee when the Senators we represent are here.

Mr. MONEY. Then it just amounts to this: that we had as well stop this examination, if the witness cannot answer a proper question until the committee is here, and he may refuse to answer any question that works to the detriment of his party.

The WITNESS. I do not refuse to answer any question that I may be required by law to answer. I should like not to be required to divulge some of those names.

Mr. PEASE. I will assume the responsibility, acting in the absence of the members of the committee, in requiring that the witness shall give the names. He does it under compulsion, and I am sure any friend will excuse him, under the circumstances.

Mr. MONEY. That relieves me from any obligation.

Mr. PEASE. Certainly.

Q. (By Mr. MONEY.) Give their names, if you please?—A. Will you please put the question again?

Q. Give me the names of the democrats and republicans who told you that Mr. Chisolm would be assassinated in 1875 if he persisted in the canvass?—A. As to the names of the republicans I cannot give you all of them.

Q. Give me the democrats; I am more anxious about that.—A. I can give you some of them.

Q. Well, sir, proceed.—A. I cannot give you any of them who told Mr. Chisolm this.

Q. Give me the names of parties who told you?—A. I can give the names of parties who told me that they would assassinate us if they found us. Mr. Pool, in Scooba, was one.

Q. Give his full name.—A. John Pool.

Q. He lives at Scooba?—A. Yes, sir.

Q. What did he say?—A. He said that I had better get away from there; that I would be killed if I staid there, and it would be exceedingly dangerous for Chisolm to remain there or to go there at all.

Q. Can you give any other name?—A. Mr. Burwell Sellers told me they would shoot me on sight.

Q. That he would?—A. Not that he would, but that they would shoot me.

Q. Was that at Scooba?—A. I was not at Scooba then; I was on my way from Scooba to De Kalb.

Q. Can you give any more?—A. You will have to give me time to refresh my memory.

Q. You were in Scooba afterwards and were not shot?—A. I was not until after the election.

Q. Were you shot after the election?—A. I was not shot at all, but I was not seen very frequently until after the election.

Q. Recurring to this excitement that they once had in Scooba at the time of the death of Mr. Dawson, whether at your hands or somebody's else, was there not very bitter and violent excitement against you and Judge Chisolm?—A. At that time?

Q. Yes, sir; at that time?—A. Yes, sir; there was a very violent excitement after the thing occurred.

Q. I mean in consequence of that act?—A. I do not know whether it was in consequence of that or not.

Q. It was not before, you said?—A. There was some excitement before, but not so much. I think it was increased after the election.

Q. Could not these threats be traced to that personal feeling on account of this unfortunate affair there as well as political feeling?—A. I hardly think so.

Q. Might it not have been an element in that excitement there?—A. I do not know that caused it. As I said before, with some relations to that party I do not speak even to this day; that is the matter about the shooting of Dawson.

Q. There was an election held in Scooba after that excitement?—A. I presume so.

Q. Mr. Orr was manager there?—A. That is my information.

Q. Your information is that Mr. Orr did hold the election?—A. Yes, sir.

Q. During the prosecution of this canvass of 1875, did any one ever offer you any violence or make any threats to you personally, to your face?—A. I do not remember that they did.

Q. What you have said, then, is hearsay in reference to that matter?—A. I understand the question to be, Did they make it to me personally, or against myself?

Q. Yes, sir.—A. No, sir.

Q. And all the threats that you say were made, were not made to you directly?—A. I think not.

Q. Did you have a pretty full vote in 1875?—A. No, sir; at some of the boxes there were scarcely any republican votes.

Q. You stated that you were informed that it would be dangerous for

you to go to De Kalb by the county road; that you took to the woods, and that you came to a man's house, and he was under great excitement, and went with you; what was the name of that gentleman?—A. His name is Sellars, Burwell Sellars.

Q. The same man you named a minute ago?—A. Yes, sir.

Q. There was a good deal of excitement made there in De Kalb about that time, upon a report that seemed to have come from Scooba through Mr. Duke, that you had shipped arms and whisky to De Kalb and Scooba?—A. I do not know whether that was the cause of the excitement or not. That was the report out there.

Q. They told you that was the cause?—A. Mr. Chisolm told me that they had told him.

Q. You had a conversation with Mr. Ellis and Mr. Watts?—A. Yes, sir.

Q. And they told you that was their belief?—A. I do not know whether Mr. Ellis told me that at the time we had the conversation or not; I will not be positive whether Mr. Ellis represented it or not.

Q. That was about the time of this excitement?—A. It was the Monday before the election.

Q. You stated that a great many armed white men came into town on Sunday or Monday?—A. Men came in there Sunday night, to Scooba, and there were a great many men who came in there on Monday.

Q. And also at De Kalb?—A. Yes, sir.

Q. This information came from Scooba, then, to Mr. Ellis and Mr. Watts?—A. I presume so.

Q. Scooba is the railroad town, I believe, for De Kalb. That is where you get your telegrams and information generally—your mail, &c., for De Kalb, is it not?—A.Yes, sir.

Q. Then you only saw white men with arms at two points in your county—De Kalb and Scooba?—A. Those are the only places where I saw them. There might have been other places.

Q. But there were no others that you know of?—A. I was not at any other places, and consequently could not know of my own knowledge.

Q. These were the two points that you were to ship arms and whisky to, where negroes were going to be made drunk, to carry the election?—A. I do not know whether they had any such information. They received the information, they said, from De Kalb and from Scooba.

Q. Is it not very reasonable to suppose that these armed men were in consequence of that report?—A. I do not think there was any reason to believe so.

Q. But this man told you they believed it?—A. They told me the report was put out.

Q. Did not these gentlemen tell you that Ellis and Mr. Watts had this information from Mr. Duke, and they believed it, and were going to send their families from the town in consequence of it?—A. Information that they were going to leave, to send their families from the town, was given to me by Judge Chisolm. I asked Mr. Watts myself how this report came to be out. I think Mr. Ellis was also present; I am certain he was very near by; we had just been talking together, and he told me it was from Duke.

Q. Then the reasonable inference is that these men who intended to move their families in consequence of this report believed it?—A. If they intended to move their families they believed it.

Q. And they said they did intend to do that?—A. That is what was told me.

Q. These armed men only came to those two points where informa-

tion had been received, which they believed to be true, that you had shipped arms and whisky for the negroes?—A. I heard that there were armed men at other points, but I do know it of my own knowledge.

Q. You went to Jackson about that time?—A. A short time before that.

Q. How long before that?—A. I think it was a week before the election.

Q. Was it that long?—A. It was during that week; I think about the latter part of the week.

Q. What time did you get back to Scooba from Jackson?—A. I will not be positive whether I got back Thursday night or Friday night.

Q. Did you not bring three men from Jackson who represented themselves, and whom you represented, as United States deputy marshals?—A. There were three men who came back with me. I heard they represented themselves as United States marshals.

Q. Do you not know they did?—A. Not of my own knowledge.

Q. Did you not represent them as such?—A. I did not represent them myself as deputy United States marshals.

Q. Did you leave that inference on the minds of the people there in any conversation you had with them?—A. I do not think I was asked the question.

Q. Did you leave the inference on the minds of the people of Scooba, or De Kalb, or anywhere else, that they were deputy United States marshals?—A. There was one of them who was a deputy United States marshal, so Mr. Lake the United States marshal told me, and I may have had that inference.

Q. Did you get that information before or after?—A. He told me before they went there that one of them was a United States deputy marshal.

Q. All three of these men represented themselves to be such?—A. I do not know whether they did or not. That is what the citizens of Scooba say. I know Mr. Lake told me one of them was a deputy marshal.

Q. Which one of them?—A. His name was Davis.

Q. Give me the names of the other two who were not deputy marshals.—A. Let me qualify that. This man told me that he was a deputy. I will not be positive whether Mr. Lake said he was at the time or whether he had been a deputy.

Q. What do you think about it?—A. I think he was; Mr. Lake accompanied us over to Meridian from Jackson.

By Mr. PEASE:

Q. Mr. Lake was United States marshal?—A. Yes, sir.

By Mr. MONEY:

Q. Give the names of the other gentlemen who sailed under false colors as marshals.—A. I do not know that they represented themselves as marshals.

Q. Give their names.—A. Jeff. D. Bell and a man by the name of Eskeroll.

Q. Where is Mr. Bell now?—A. The last information I had of him he was in jail at Canton.

Q. Do you not know that he is in the penitentiary?—A. I knew that he was convicted of murder, but I did not know that he was in the penitentiary.

Q. After conviction they generally put people in the penitentiary. They do not keep them in jail?—A. Sometimes they hang them.

Q. You have been deputy sheriff. You know they did not hang him?—A. My information is that he is in jail at Canton.

Q. Where is Mr. Eskeroll?—A. I do not know where he is. I have never seen him since.

Q. What was the object of these men representing themselves as United States marshals?—A. I do not know that they represented themselves as United States marshals. I know that was the report; but I have no knowledge of it; I do not know it.

Q. Do you not know that these gentlemen had no business in that portion of the country?—A. I do not know that they had any business there.

Q. Do you not know that it was the belief of the democrats of that place that these three men were brought there for the purpose of intimidation at that election?

Mr. PEASE. I object to asking the belief of anybody.

Mr. MONEY. I can ask the witness what he believes about it.

Mr. PEASE. I enter an objection to the question.

Q. (By Mr. MONEY.) Do you not know that it was the impression, the feeling, among the people that those men had represented themselves as United States marshals there, for the purpose of intimidation, to influence the election in some way or other?—A. I do not believe that they thought of it; I do not believe the democrats were in any condition to be intimidated much at that time.

Q. Was that their object in coming there?—A. I do not know that it was.

Q. They came with you?—A. They came with me.

Q. You brought them there?—A. I brought them there.

Q. Will you be kind enough to say why you brought them there?—A. I did not bring them there; they came on the train.

Q. You said a moment ago that you brought them.—A. I should like to correct myself in that respect.

Q. What did you bring them with you for?—A. I did not have them with me for any special purpose.

Q. Was it not to influence the election?—A. I do not think it was.

Q. That is a direct, plain question, and I want you to answer it.—A. I do not think their coming there would influence the election.

Q. You did not bring them there for such a purpose. Do you say that upon your oath?—A. I will state upon my oath what I intended to use them for if I could. I expected there would be trouble, and I intended if, personally, I was assaulted in any way, that I should have as many of my friends as I could for the purpose of giving me protection. I never represented them as being United States marshals. If they represented themselves as such, I do not know it; but I have heard that the people there have said that they did represent themselves as such.

Q. Did any democrats intimate to you anything in conversation that they thought they were United States marshals, or that they heard they were?—A. They might perhaps have done so.

Q. Did you correct the impression?—A. I hardly think I would have corrected it if they intimated it to me, but I am not certain whether they did or not.

Q. Do you not know that they intended to represent themselves as deputy marshals when you were on the road there, and when you started, or at some time?—A. I knew that Mr. Davis had either represented himself to me as being United States deputy marshal or that Mr. Lake told me, I do not remember which.

Q. How about the other two men?—A. I do not know whether the other two men did represent themselves as deputy marshals?

Q. Do you not know that it was their intention to pass themselves off and represent themselves as being United States deputy marshals? Do you not know that that was their intention?—A. I believe that was their intention.

Q. Do you not know that was their intention? Did they not tell you so, and did you not have a conversation with them about it?—A. I might have had some conversation with them about it.

Q. Give me a direct answer. Did you not know that these men intended to represent themselves as deputy United States marshals?—A. I knew that Mr. Davis would.

Q. I am not talking about Mr. Davis; that is settled?—A. No, sir; I did not know that the other men were going to do it.

Q. They did not tell you that they would do it?—A. If they did, I do not now remember it. I have not the least recollection of it if they did.

Q. You did not have any conversation with them?—A. I might have had some conversation with them about it.

Q. The tenor of which would leave upon your mind the impression that they intended to do it whether they told you so or not?—A. I do not think they did until after they arrived there and this thing was being discussed.

Q. And then what?—A. They might have. Along late in the evening there was a young Mr. Duke there, and a lot of young men with him. I passed by him, and he was cursing very violently. I did not know who he was, and I asked him what was the matter. He said he was cursing that "God damned United States marshal." I asked him who it was, and he said Eskeroll.

Q. You did not tell him whether he was a deputy United States marshall or not?—A. I did not tell him whether he was or not.

Q. Which one of these men made the speech there at Scooba?—A. Mr. Bell made a speech.

Q. Did you hear him?—A. I heard only a portion of it. I did not think he was much of a speaker, and did not pay any particular attention to it.

Q. Did he not tell the people in that speech that he was United States marshal?—A. I do not remember. I heard that he did say that, but I did not hear one-fourth of the speech.

Q. Did he not tell them that he was a United States marshal and that he came there in that official capacity for their protection?—A. He might perhaps have done so. I know, what I heard of it, I thought it was a very uncalled-for speech.

Q. Everybody there in that town understood that he did say so in that speech; as many people as you conversed with. Was it not the understanding in the community that he had so represented himself; that he was there for that purpose, to protect the negroes, and that he was a deputy United States marshal?—A. I do not remember.

Q. Was not that the impression left by his speech on that community?—A. I do not remember what the impression was.

Q. As far as you could gather?—A. I never have talked with more than two or three parties about it and then we spoke about it casually. I do not know what the impression was.

Q. You left Scooba then to go to De Kalb, and you said you were afraid to take the main road, and took a by-path. What did you do with

the registration-books that were in your charge?—A. They were never in my charge directly.

Q. Did you have them?—A. I will tell you the way I had them.

Q. You were in possession of the books of registration which were necessary to the polling at Scooba. I want to know what you did with those books when you left Scooba for De Kalb.—A. I will tell you in regard to the registration-books and the way I came in possession of them. The registration-book was brought down there on Saturday morning—I think on Friday evening before the election—which was on the following Tuesday, and, as well as I remember, by Mr. Hopper.

Q. Who is the proper custodian of these registration-books?—A. The registrar.

Q. You were not a registrar?—A. No, sir; but——

Q. Nor a judge of election?—A. No, sir.

Q. But you had these books?—A. No, sir; I did not have the books.

Q. You did not have these books?—A. I do not consider that I did. If you will let me explain it, I will tell you how it is.

Mr. PEASE. You have a right to explain. Explain it.

The WITNESS. As I was going on to state, the book was brought down there by Mr. Hopper and Mr. Spencer. One of the democratic managers of the election was a clerk in the house that I was in. I do not know whether Mr. Hopper gave it to Mr. Spencer or to my brother, but the next morning Judge Chisolm asked me what about the registration-books. I said, "I do not know anything about it." He says, "Hopper brought it down here for this beat, I understand." I turned to my brother and asked him if he knew anything about it. He said, "Yes, it is in the store." He is my half brother. He said, "Mr. Hopper handed it over to me, and I laid it back on the shelf." I said, "It is a very important book, and you have got to give it to Mr. Spencer or put it in the safe." I never knew what he did with the book; I never saw it. That is all that I had to do with it. When I wrote this letter from De Kalb to Mr. Orr, asking him to go on and hold the election, the thought occurred to me that the book might be in the safe; and I stated that Mr. Wood or Mr. Chauncy, both democrats, had the combination to the safe, and would turn the book over to the proper parties to receive it. You can refer to the letter, published in the Boutwell report, by Mr. Ellis, in his testimony, and see the note.

Q. (By Mr. MONEY.) In this note that you wrote to Scooba to Manager Orr in regard to this election, you told him where he would find the books?—A. Yes, sir.

Q. And to go on and hold the election, and there would be no danger?—A. I would rather you should read the note.

Q. I want to get just the fact?—A. I want to give the fact about it, but I would rather you would read the note.

Q. Where is the note?—A. It is in Mr. Ellis's testimony, in the Boutwell Mississippi report.

Q. You do not deny the charge that you had disposed of the registration-book at that poll?—A. I had disposed of it in that way.

Q. You had no authority under the law to dispose of it all?—A. No, I had no authority to be the custodian of the book.

Q. You say that you carpet-bagged to Warren County for the reason that it was a populous republican county, and there were fat offices there?—A. I did not say that I carpet-bagged there for that reason.

Q. What was it that you said you carpet-bagged there for?—A. I said I went there for the purpose of making Mr. Crosby's, the sheriff's,

bond and to assist the republicans; that is, in keeping up an organization there.

Q. You went over there at any rate, and accepted the position of deputy sheriff, did you not?—A. Yes, sir.

Q. You were sworn in as such?—A. I think so.

Q. At that time were you not a member of the State senate from the counties of Kemper, Neshoba, and Noxubee?—A. I resigned my senatorship.

Q. At what time did you resign?—A. About the time I went over there.

Q. Can you recollect the date of your resignation?—A. I will not be positive; it is on file at Jackson.

Q. But it is not on file here. I want to know the date of your resignation.—A. I will not be positive, but I resigned some time while I was over there. I had the date of the resignation.

Q. Did you resign before you went down there, and before you were sworn in as deputy sheriff or not?—A. I do not know whether I did or not. I resigned while I was over there.

Q. Do you not know positively that you did not?—A. I think I resigned when I first went there.

Q. Do you not know you were holding both offices at once?

Mr. PEASE. Do you consider the deputy sheriffalty an office?

Mr. MONEY. I will waive that point; but I want to prove the fact that the witness was a senator when he went over there and took that office.

Q. You say you went over there to give the bond and run the office?—A. Yes, sir.

Q. And at that time you were a senator in the legislature of the State?—A. Yes, sir; at the time I went over there I was senator. I do not know what time I resigned. I resigned when I was there, but I do not know when it was.

Q. You mentioned a disturbance that happened in the court-house. You did not see any of that yourself, except what you related having seen from a window about the close of it? You do not know what the provocation was that began the difficulty? You related that you were half-way down the stairs.—A. I related precisely what I saw and what I did not see.

Q. You do not know what the provocation was that originated the difficulty, or how it began?—A. I could not have seen the first shots fired or who shot them.

Q. You do not know how this difficulty began—who was to blame for it—of your own knowledge?—A. I do not know of my own knowledge.

Q. You were not then deputy sheriff?—A. No, sir.

Q. You said you had a room in the court-house?—A. Yes, sir.

Q. You had an inclination to go back to the court-house while this trouble was going on, but concluded, at the earnest solicitation of your friends, that you would not go; that these personal friends of yours were democrats, and said that nobody wanted to see you hurt?—A. They prevented me from going back.

Q. You went over to take a drink?—A. Yes, sir.

Q. While you and your friends were drinking there the shooting was going on, I suppose?—A. The shooting commenced before we got into the grocery where we went to take our drink, just as I was descending the steps, going out of the court-house grounds.

Q. Was not the sheriff of that county, Mr. Crosby, shot at sometime?—A. Yes, sir.

Q. Was that the day he was shot?—A. No, sir.

Q. What time was he shot?—A. He was shot some time before that.

Q. Was he shot while you were his deputy?—A. No, sir; I was not his deputy.

Q. How long had you ceased to be his deputy when he was shot?—A. Two or three days.

Q. Did Mr. Crosby ever charge you with doing that shooting?—A. Yes, sir.

Mr. PEASE. We are disposed to give considerable latitude in this investigation, but that is not cross-examination. You are starting out in a matter that has not been brought out at all.

Mr. MONEY. Exactly; but you can cross-examine the witness.

Mr. PEASE. That is, you can make him your witness.

Mr. MONEY. Certainly; he is our witness for the cross-examination. You can cross-examine him on everything I ask him. There is no objection to that in the world. [To the witness.] You answered the question that Crosby did charge you with shooting him?—A. Yes, sir.

Q. (By Mr. MONEY.) And he dismissed you then from the office of deputy?—A. I was dismissed before he was shot.

Q. Why did you leave the place, or why were you dismissed? I do not know how you got out of it.—A. The deputy's office?

Q. Yes, sir. You ceased to be Crosby's deputy for what reason?—A. We did not agree. He did not give me any reasons for the dismissal at all.

Q. You stated that at a meeting in Bovina Mr. Shadd and you spoke; that Mr. Shadd spoke without interruption, as you believed, for about five minutes, and you heard an excitement outside, and a call for Flanagan or Jack. Was there any disturbance inside of the house?—A. None at all.

Q. There was no threatening demonstration made toward you?—A. No, sir; I remained in the house.

Q. You saw nothing then?—A. No; I saw nothing threatened at all.

Q. I suppose the train that came by to Clinton caused this disturbance? Were these men going to Clinton?—A. They came from Vicksburgh and stopped at Bovina. That is on the road to Clinton; and the place where the speaking was is a little above the depot, between Bovina and Clinton.

Q. How far from the railroad?—A. It was right on the railroad, within a few paces.

Q. Did anybody leave the cars, or did the train only stop at Bovina?—A. The train stopped at the depot, and they heard this speaking and run up there and called Jack, and then the crowd went out.

Q. They called Jack away from there?—A. Yes, sir.

Q. There was no disturbance of the meeting or the speaking?—A. None of them came into the house.

Q. It was no disturbance of the meeting; they simply wanted this man to go with them to Clinton; they simply called him away from the meeting, and there was no disturbance of the meeting?—A. There was no disturbance of the meeting at all.

Q. In the campaign of 1876 you say you took no part, I believe, and did not because you thought it was no use; that the democrats were exerting themselves very much. How were they exerting themselves—by legitimate methods of electioneering?—A. I stated that that was not altogether the reason.

Q. I did not get any other in my notes.—A. That is not what I intended to state why I took no part. One reason was that I did not think it would do any good; but then I had other reasons.

Q. Your party organized in Kemper County in 1876, did it not?—A. I never attended a meeting there, and I never heard of any meetings except the speaking that I mentioned at Scooba.

Q. What was the vote of your county at the last election?—A. I do not know positively. I think twenty-five hundred.

Q. A pretty fair poll, was it not?—A. I only know that from hearsay. I did not inquire very closely. I think they voted within two or three hundred of the registered vote, or perhaps closer than that; I will not be positive.

Q. In 1876 there was a pretty full and fair vote of that county? I do not ask as to the majority; I ask as to the whole number of the votes cast.—A. That is my impression.

Q. You knew of no intimidation, no threats, and no violence, I suppose, in the canvass of 1876 in your county?—A. Only just what I have related before.

Q. The only threat that you heard made was personally against Mr. Chisolm? You stated that you were down there with several other persons, but the excitement seemed to be directed principally against Mr. Chisolm?—A. Yes, sir; the excitement seemed to be directed against him.

Q. I want to ask you if that was not a great deal from personal causes, and not from any political causes whatever?—A. I do not think it was. I think it was because he was a republican candidate for Congress.

Q. Do you not know that personally, outside of politics, he was an extremely unpopular man in that county?—A. No, sir. I think he is the strongest man that the republicans have there outside of his own party.

Q. Did he run behind or ahead of the Hayes electors of that county?—A. I do not know. The way they count the votes there, it is hard to tell how a man did run.

Q. I am not asking about the method of voting; but after the count was over, how did he stand in reference to the Hayes electors?—A. I do not know positively.

Q. You do not know that he was behind?—A. I think he was behind in some boxes.

Q. I mean in the general count in the county?—A. In the general count I expect he was behind.

Q. Do you not know that Mr. Chisolm had been expelled from the Masonic Lodge on a charge of forgery and perjury at the Center Ridge Lodge or the Spring Ridge Lodge or some lodge down in that quarter?—A. I do not know that.

Q. You saw it published in the paper?—A. Yes, sir.

Q. By the order of the master of the lodge?—A. Yes, sir.

Q. You knew that to be so?—A. I saw the publication. I am not a Mason myself.

Q. You saw the publication in the paper?—A. Yes, sir.

Q. Do you not know that Mr. Chisolm was charged with having forged the name of Mr. Perry Moore to a claim against the Government for one hundred and eighty-four bales of cotton, and that he resigned on the strength of it and was indicted for forgery and perjury?—A. I do not think that he has ever been indicted. I do not know that the paper charged he was. I am mistaken about that. It did so charge,

but I know nothing of the indictment, and I know nothing of the facts further than any man who reads the newspapers as published knows. These charges, I think, occurred before I came into the county, at least before I went into politics or paid any attention to it.

Q. The reason why I ask you this particular question is that I want to show by you that it was Mr. Chisolm's personal unpopularity, that he was so really odious to the people of that county, and these acts of violence were directed toward him, while you and other republicans were exempt from them. That has been the tenor of your testimony.—A. It was directed more toward him than anybody else.

Q. It seems to have been pretty extensively directed toward him. You were never interfered with or threatened in any way yourself?—A. No, sir.

Q. Is it not reasonable to believe after these things happened that he would be very unpopular in his county?—A. If such charges were true I should think it would make anybody unpopular. I have my doubts of anybody believing it to be true, though.

Q. That is a matter of opinion?—A. Yes, sir.

Q. What makes you doubt about it being true? Why do you think that nobody believes it to be true?—A. I did not intend to say that; there are some people who do not believe it to be true.

Q. That is what you did say?—A. I expect there are a great many there who believe it to be true.

Q. If there were many people there who believed it, would not that account to some extent for this violence toward him?—A. I do not see how that would involve him any way. He is there, and he has been twice elected sheriff of the county.

Q. By the republican vote?—A. Yes, sir; I never heard the charges brought up against him before in the canvass.

Q. You never heard those charges brought up before?—A. I never heard them brought up in the canvass.

Q. Were they not brought up in the canvass of 1875, and published in the Meridian paper?—A. If they were I did not know it.

Q. Did you not know it by general report, if you never saw it published yourself?—A. No, sir; I did not know it to be general report.

Q. You stated that Mr. Chisolm and yourself and some others went to the woods. What did Mr. Chisolm do with the registration-books at De Kalb before he went to the woods, or what did the registrar do with them, or whoever had them in charge? Hopper, I believe you said his name was? Who was the registrar there in charge of the books?—A. Mr. Lee, I think, was the registrar.

Q. What did he do with the books?—A. I can only tell you from hearsay.

Q. You need not tell me that if you do not know anything about it. Do you not know it to be a fact that Judge Chisolm locked up those registration-books in the sheriff's safe?—A. I do not know it. I know it to be a fact that it was charged that he did, but I did not go to the court-house that day at all. I think they were in his safe. I do not want to evade any question at all.

Q.. He put them in, very likely?—A. You ask me to answer what I know. If you ask me what I believe, I can answer.

Q. That amounts to knowledge, if a man came and told you he did a thing.—A. I know a committee came up there to his house. I will have to go back a little and tell exactly how I came to know it.

Q. Very good.—A. Mr. Pool came up there and said he had been sent by a committee from the democrats down in town, and that if Judge

Chisolm did not turn over those books within a certain period of time they would go up there and "kill every damned radical in the house." About that time Mr. Ellis, I believe, and Mr. Watts, and I will not be positive but that Mr. Welsh was there talking with them. Doctor Fox and, I think, Mr. Britton sometime afterward had a consultation with me. They said the books ought to be turned over; that the next day was the day for the election, and if Judge Chisolm had them they ought to be turned over. I so went and told Judge Chisolm. I do not remember whether he said he had the books or not, but it was my impression, and I reckon he will not deny it himself, that he did have the books in his safe.

Q. Who by the law is the custodian of these books, the sheriff?—A. By the law, as I understand, it is the chancery clerk. I will not be positive about it, but I think the chancery clerk, unless they are in use, and then the registrars have them.

Q. Then Mr. Chisolm had no right to take those books at all? He made as unauthorized and unlawful a disposition of them as you did at Scooba? He had no authority to take those books and lock them up or do anything else with them?—A. He had no right to demand the books.

Q. He had no right to have them in his custody to lock them up?—A. I do not know whether there is any law against it or not.

Q. You know that he is not the man to have anything to do with them?—A. He is not the custodian of them.

Q. Did not a committee of citizens have to go to Judge Chisolm and demand these books before they got them?—A. A committee did go to him or speak to him about it; I believe they went to him.

Q. They could not get the books until they spoke to him?—A. I do not know. He sent his wife down town, it was my understanding; I do not know whether she took the key or not with her, but it was my impression that Doctor Fox and some others accompanied her, and that they went in there and got the books.

Q. [Producing a paper.] Did you ever see that publication during the canvass of 1876?—A. [Examining.] Yes, sir; I think I read this or something similar to it. I think this is what I read.

Q. Was it not published in almost all the newspapers in the country, and was it not circulated in this form through the country there?—A. In 1876.

Q. Yes, in 1876.—A. I never saw it in this form. I saw it pretty generally circulated in newspapers.

Q. I will make a matter of record of this document except the first page, which is nothing but a correspondence in reference to a division of time. I will ask you about that after a little while.—A. I should like to read the paper over a little to see if it is the same that I saw in the newspapers.

Q. Certainly.—A. [Examining.] I think that is the same.

The paper is as follows:

Chisholm, the republican nominee for Congress in the third district.—Dreadful exposure of crime.—Self-acknowledged forger.—As probate judge, he forged an affidavit for a dead man to establish a cotton claim against the Government.—Resigned his office to avoid exposure.—Was expelled from the Masonic order.—The testimony printed from original papers.—Let the people see the kind of men the radicals select for public office in the Southern States.—Forged affidavit.

[Perry Moore was dead when this affidavit was made.]

THE STATE OF MISSISSIPPI, *Kemper County:*

Before me, W. W. Chisholm, judge of probate in and for said county, personally came Perry Moore, to me well known as a just and reliable citizen in said county, who, after being

by me duly sworn according to law, deposes and says that he was with the United States forces under the command of General Sherman, in the county of Lauderdale, in the year (1864) eighteen hundred and sixty-four, in said State of Mississippi, on or about the 20th day of February of said year, on the road leading from Marion Station to Hillsboro', in Scott County, Mississippi, and he, the aforesaid, saw at one White's gin, on said road, the said United States forces put fire to and burn one hundred and eighty-four bales of lint cotton (184), belonging to Robert J. Moseley. They, the United States forces, stated, and told me it was by order of General Sherman.

PERRY MOORE.

Sworn to and subscribed before me this, the 2d day of February, A. D. 1867.
[SEAL.] W. W. CHISHOLM,
Probate Judge.

THE FRAUD ACKNOWLEDGED.

I certify that the foregoing is a true copy of the original papers, and that the name subscribed thereto, purporting to be the genuine signature of Perry Moore is a base forgery, and so admitted to me by W. W. Chisholm, at the time I arrested said papers in his hands. Said Chisholm was at that time judge of the probate court at Kemper County, and I was clerk of said court.

GEO. L. WELSH.

DEKALB, MISS., *September* 30, 1867.

INDICTMENTS FOUND AND RECORDS STOLEN.—THE DISTRICT ATTORNEY'S SWORN STATEMENT.

THE STATE OF MISSISSIPPI, *Kemper County:*

Before me, F. M. Poole, clerk of circuit court, personally appeared Thomas H. Woods, citizen of said county, who, having been sworn in due form of law, deposes and says:

1st. That, at the September term, 1868, of the circuit court of said county and State, affiant was district attorney for the 6th judicial district, in which said county was embraced, and was present at said term and attended upon the deliberation of the grand jury, and gave to that body such assistance as by law he was required to do, and with his, affiant's, hand, drew the indictments found and preferred by said grand jury at said term of said court.

2d. That among other indictments found by said grand jury prepared and framed by this affiant, presented in open court at said term of said court, was one substantially charging W. W. Chisholm with falsely and fraudulently and knowingly uttering and publishing a certain paper, purporting to have been signed by one Perry Moore, touching the loss of a large lot of cotton alleged, in said paper, to have been the property of one Robert J. Moseley, which said cotton was, in said paper, charged to have been destroyed by the army commanded by General Sherman, in the winter of 1863–'64.

3d. That upon the adjournment of the court, there being a vacancy in the office of clerk of the circuit court, the furniture, records, and papers belonging to that office were, by order of the court, placed in the care and custody of the then sheriff, Mr. H. A. Hopper; that between said September term, 1868, and the next March term, 1869, affiant was informed by said sheriff that his office had been violently opened and entered and all indictments found at the September term, 1868, stolen and carried off. Since affiant has had no further information touching said indictment or its whereabouts.

4th. That the grand jury of the State, at the September term, 1868, was composed of the best men of the county of Kemper and of men of more than ordinary intelligence and unimpeachable integrity.

5th. That, owing to a variety of causes, there has been no term of the circuit court held in said county since said September term, 1868.

THOMAS H. WOODS.

Sworn and subscribed before me June, 1870.
[SEAL.] F. M. POOLE, *Clerk.*

JUDGE FOOTE'S STATEMENT.

The indictment against W. W. Chisholm, referred to above, was presented by the grand jury of Kemper County when I was the presiding judge. The facts as to the indictment are substantially correct.

H. W. FOOTE.

AFFIDAVIT OF A MEMBER OF THE GRAND JURY.

STATE OF MISSISSIPPI, *Kemper County:*

Before me, William Ezelle, an acting justice of the peace in and for said county and State, personally appeared James Haughey and W. B. Lockett, who, having been first sworn in due form form of law, depose and say, and each and every one of them deposes and says:

1st. That they were members of the grand jury for the county of Kemper, in said State,

at the September term, 1868, of the circuit court, in the then 6th judicial district, Hon. H. W Foote being the presiding judge.

2d. That at said September term, 1868, the said grand jury, after patient and thorough examination, found and presented in open court an indictment against W. W. Chisholm, charging said Chisholm, in substance, with the crime of having falsely and knowingly uttered and put in circulation a certain paper purporting to have been signed by one Perry Moore, touching the alleged burning of a large lot of cotton, said to be the property of one R. J. Moseley, by the army of General Sherman, in the winter of 1863–'64.

3d. That in the finding and presentation of said indictment against said Chisholm affiants say for themselves, and undertake to say for their fellow grand jurors, that the proceeding was had, under the functions of their oath, as the deliberate conviction of their best judgment, and that no other conclusion upon view of the said papers so charged to have been falsely uttered and published, with the accompanying testimony laid before said grand jury, could have been arrived at with clear consciences.

JAMES HAUGHEY.
W. B. LOCKETT.

Sworn to and subscribed before me this June 7th, 1870.
[L. S.]

WM EZELLE,
Justice of the Peace in and for said County and State.

CLINCHING THE NAIL—AFFIDAVIT OF THE THEN PROBATE CLERK WHO DETECTED THE FRAUD—HE DEMANDED CHISHOLM'S RESIGNATION.

I, Geo. L. Welsh, citizen of Kemper County, in the State of Mississippi, state upon honor that the accompanying paper, marked "A," purporting to be an affidavit by Perry Moore, as to the burning of one hundred and eighty-four bags of lint cotton by General Sherman's army, in February, 1864, is a forgery, so far as the nane of Perry Moore is concerned; that I saw and arrested this paper in the hands of W. W. Chisholm, of said county and State, in April, 1867; said Chisholm was then judge, and I was clerk of the probate court of said county; that upon arresting said paper I demanded Chisholm's resignation, and he did resign. The paper accompanying this statement, marked "B," is his original resignation, wholly written and subscribed by himself. I attended his trial before Center Ridge Lodge, and know that he was expelled, as the accompanying publication states. His Masonic status now is an expelled and published Mason.

GEO. L. WELSH.

JUNE, 1870.

CHISHOLM'S RESIGNATION.

DEKALB, MISS., *May* 6, 1867.

His Excellency B. J. HUMPHRIES, *Jackson, Miss.:*

SIR: I have the honor to this day tender to your excellency my resignation as judge of the probate and county courts in this (Kemper) county, and trust that it will be accepted, to take effect from this date.

I have the honor to be, very respectfully, your obedient servant,

W. W. CHISHOLM.

[Advertisement.]

EXPELLED FROM THE LODGE.

At a regular communication of Center Ridge Lodge, No. 150, of Free and Accepted Masons, held July 4, 1868, in Kemper County, Miss., W. W. Chisholm, a member of said lodge, having been charged with gross unmasonic conduct, was tried and unanimously expelled from all the rights and privileges of Masonry by said lodge.

It is ordered by the lodge that the above be published in the Mississippi Flag.

T. C. MURPHY.

AUGUST 17, 1868.

P. S.—All papers friendly to Masonry please copy.

Q. (By Mr. MONEY.) Then did not this action of Judge Chisolm in locking up these registration-books create a great deal of excitement against him personally outside of politics from the fact that he had taken high-handed and unauthorized authority in disposing of these books without any authority of law for it?—A. I never heard any more excitement than what I have told you.

Q. Could it not be accounted for on that ground more than on the ground of his being a republican?—A. He did not take those books in 1876. Are you examining me in 1875 or 1876?

Q. I am examining you about 1875 now.—A. I do not think that had anything to do with the excitement at all.

Q. You do not think it had?—A. Not the cause of the assembling of parties there in the town and the excitement in the crowd. It of course created some excitement when they went there and demanded the books.

Q. For what purpose were these books hidden there?—A. The information I had was this, that Mr. Lee, a member of the board of registrars, while going into the town had passed near De Kalb two or three squads of armed men. He said some of them were strangers to him, and he did not think that they lived in the county and that he was afraid of violence, and afraid to hold the election. He left town and they sent on after him and overtook him. If the books were in Mr. Chisolm's office he must have left them there, I presume. I suppose that is the way they got there, if they got there at all.

Q. There was no violence offered to Mr. Lee, was there?—A. None that I know. I never saw any at all.

Q. The only demonstrations of violence in that county were directed against Mr. Chisolm. That is your testimony?—A. In 1875.

Q. In 1875?—A. I think it was directed to all. I do not think I testified that the only demonstrations of violence were directed to him. I think it was directed to all republicans.

Mr. PEASE. It seems to me that the witness did not testify to the matter I think as to be extending to him.

The WITNESS. I know what I testified.

Mr. MONEY. I am speaking of the tenor of his testimony. He testified that there was no direct violence offered to him, none to Mr. Lee, none to Mr. Orr, or to anybody else he knows of, but he does testify that there was some offered to Judge Chisolm. It is a summing up of his testimony. [To the witness:] My question is, was not the only violence offered personally to any republican in that county offered to Judge Chisolm?—A. Eighteen hundred and seventy-six was what I testified to.

Q. (By Mr. MONEY.) We are talking about 1875. The matter of the secretion of the registration-books was in 1875?—A. There were some demonstrations of violence, I think.

Q. Well, state them.—A. They were rather demonstrations against the party, but I did not see any violence done to Mr. Chisolm in 1875 any more than to anybody else.

Q. How was it in 1876; was violence directed to any one besides Judge Chisolm in 1876 that you know of?—A. Not of my personal knowledge.

Q. You have been living in that county how many years?—A. I have been there since December, 1868.

Q. I want to ask you if there was not a great feeling in that county against Judge Chisolm as sheriff on account of a land-tax that was collected there?—A. I remember he had some suit some years ago.

Q. There was a good deal of feeling in the country about it?—A. I do not think there was; I never heard of any.

Q. Who was treasurer at the time that tax was collected?—A. I think Mr. Hopper was treasurer; perhaps Mr. Cheney. I will not be positive whether either one was treasurer or not.

Q. That land-tax was how much; do you recollect?—A. No, sir; I do not. Two or three per cent., I think.

Q. Do you know what the aggregate was?—A. I do not know what the aggregate was.

Q. Was it as much as six, seven, or eight thousand dollars?—A. O,

no, sir; I do not think it could be large from the wealth of the county. I do not think it could have amounted to that much, but perhaps it was a thousand or two thousand dollars.

Q. Do you not know that this land-tax, whether one, two, or three per cent., collected there in part, was enjoined by some of the citizens of Kemper County, and that the injunction was granted?—A. I think Mr. Mills, who lives in Columbus, and who has some property there in the county, was down there looking after it and enjoined it.

Q. A number of citizens enjoined it, I believe?—A. I do not know positively about that.

Q. They enjoined it and the injunction was granted by the court, was it not?—A. I do not know the final decision about that matter. I know there was a suit, but it was something that I was not interested in, and I did not pay any attention to its final decision; I think, though, the injunction was granted.

Q. You do not know how much money was collected before the injunction was granted?—A. No, sir; because I had nothing to do with the sheriff's office, or anything connected with it, at that time.

Q. Do you not know that there was a great complaint in that county against Judge Chisolm on account of the collection of this tax, and the people were not able to get any of the money back that they paid to him?—A. I do not think I ever heard half a dozen men speak of it at all. It is my best recollection that I never heard anybody speak of it unless it was Mr. Mills.

Q. My object is to prove that this violence that you have alleged was directed personally to Mr. Chisolm on account of the personal odium which he had incurred in the administration of affairs in that county as sheriff, and not on account of his politics?—A. I cannot answer about that, of course, because I do not know.

Q. You went down to Shuqualak with Mr. Chisolm to speak there?—A. Yes, sir.

Q. You did not speak because you were warned that it would be unsafe for Chisolm to speak?—A. I did not go there to speak.

Q. I mean Mr. Chisolm did not speak on that account?—A. He did not.

Q. Was there any other reason for his not speaking than that?—A. Not that I know of.

Q. He was to speak on the 3d at Shuqualak?—A. I do not remember the day.

Q. Was it on Friday?—A. It might have been. It was Tuesday or Wednesday, I think.

Q. Was there any other speaking there that day by anybody?—A. I do not know that there was.

Q. Did anybody come there to speak?—A. Not that I know of.

Q. Any democrat?—A. Not that I know of.

Q. Did not Younger speak there that day?—A. I never saw him or heard him if he did, and I never heard any one say so.

Q. Did these gentlemen, McCaleb, Campbell and others, who desired that Chisolm would not speak, say positively that he would be hurt or did they have an apprehension that there would be a disturbance?—A. They said there would certainly be trouble.

Q. Did they say on what account?—A. No; they expressed themselves that they were sorry for it. That they were Judge Chisolm's personal friends.

Q. Did they not say they feared personal difficulty between Mr. Chisolm and his personal friends and Mr. Welch and his personal friends

growing out of this charge of fraud and perjury against Judge Chisolm?—A. One of the parties, either Mr. Campbell or Mr. Bird, I will not be certain which, who talked with me, told me in a confidential way that Mr. Welch had been sent for and brought up there that night. That was all they said about that.

Q. Do you not know that the difficulty apprehended was not a political difficulty on account of politics, but the apprehension was that a difficulty would occur upon the meeting of Mr. Welch and his friends and Mr. Chisolm and his friends who had severely denounced each other through the public press?—A. No, sir; I do not think anybody apprehended any difficulty with Mr. Welch.

Q. Nor his friends?—A. I do not know what some of his friends might do in a political campaign, but I do not think anybody was afraid of Welch.

Q. It was not a personal matter with these democrats, but did they not apprehend a personal difficulty?—A. It was not my inference from what they said that they apprehended any difficulty on account of Welch.

Q. Or his friends?—A. No; they said that Welch was there.

Q. Did not they give that as a reason why Chisolm had better not to speak, that Welch and his friends were there, and if Chisolm did speak or appeared there there would be a difficulty between Welch and his friends? Was not that the reason for it?—A. One of them told me that Mr. Welch would be there.

Q. And for what reason he preferred that Chisolm would not speak?—A. He did not say for that reason, but he preferred Mr. Chisolm not to speak; and that, if I had any influence with him, I should get him not to speak. He merely spoke of Mr. Welch being there in connection with the conversation; and he said, if I had any influence with Mr. Chisolm, for God's sake, not to let him speak.

Q. How did he happen to bring Welch into the conversation?—A. I do not know how it came up.

Q. Did he not urge as a reason why Chisolm should not speak that Welch would be there?—A. I do not think he did.

Q. Did not Major Nunn, Captain Nethery, and others insist on Chisolm's speaking that day? Do you know that?—A. I do not believe I know either one of those gentlemen. If they insisted on it I never heard it; at least, I do not remember it. I am pretty certain they did not insist on it in my presence. I never heard of any one insisting on it.

Q. They did not tell you that Mr. Welch was there to make trouble, and for that reason Chisolm should not speak? Nobody said that?—A. No, sir; I think not.

Q. You say the democrats came out in red shirts and rode around?—A. Yes, sir.

Q. That had no particular significance on that occasion; that is a very common thing?—A. I think they were uniformed all over the State that way.

Q. White and colored both?—A. A good many of them.

Q. In your section of the county were not the republicans uniformed in blue shirts?—A. In my county they were not. I saw them in blue shirts in Noxubee County. I do not think there were any red shirts in our county. I never saw more than two or three parties there with them.

Q. The badge of the two parties was red shirts for the democrats and blue shirts for the republicans?—A. I just give it to you as I understand it.

Q. You got a dispatch at Shuqulak from Algood?—A. I did not get the dispatch myself. Mr. Algood's son got it.

Q. And he told you that he and Mayor Dillard were coming down?—A. That they were on the way.

Q. And they did come?—A. That I should wait until they came, or something to that effect.

Q. Who is Judge Dillard?—A. Mayor of Macon, I think.

Q. What was he coming down for? Did he disclose the object of his visit?—A. I was informed by Mr. Algood's son that they were coming down there as special deputy United States marshals.

Q. These three gentlemen?—A. Those two gentlemen.

Q. To preserve the peace?—A. That was my understanding.

Q. To protect everybody there?—A. Yes, sir.

Q. You do not know the object of the visit of these red-shirt gentlemen who came up to the hotel?—A. No, sir.

Q. It is not a very infrequent thing for people to go to hotels in a town even if they are in red shirts? It is very natural for them to go to hotels?—A. I saw them only in the campaign with red shirts.

Q. A man would not be apt to do without his dinner because he had on a red shirt?—A. I do not think he would. They did not come there for dinner, however; it was after dinner.

Q. You cannot say what they came for?—A. They might have come for that. They did not go in the hotel.

Q. You say the democrats gave up their barbecue at De Kalb on the fifth in order to meet Mr. Chisolm at Scooba, and Chisolm did not speak there that day?—A. That was the understanding.

Q. Was it not understood that there was to be a joint discussion there that day?—A. It was not with myself.

Q. You did not know that Mr. Younger had an appointment there that day, the colored man?—A. No, sir; I did not.

Q. The Scooba meeting was abandoned, and you all went up to Macon from there?—A. Yes, sir.

Q. After you got to Macon you stated that there was a division of time, that Mr. Chisolm spoke and then Mr. Younger, and that Mr. Chisolm failed to make his rejoinder?—A. Yes, sir.

Q. What did you say was the cause of his failure?—A. I think he was influenced by what myself and his friends advised him.

Q. Was Mr. Chisolm in the habit of availing himself of the opportunity of making rejoinders?—A. I do not know.

Q. You have not been with him in many discussions?—A. That was the first joint discussion, with the exception at Scooba, where I had been with him.

Q. This United States marshal, you say, was intimidated by Mr. Gully. Was that before or after the election?—A. After the election.

Q. Who was this United States marshal?—A. His name was Barr; H. B. Barr, I think.

Q. He was a genuine United States marshal?—A. He was a special deputy.

Q. I mean he was really a deputy, he was not a bogus?—A. Yes, sir; he was a real deputy.

Q. Tell me how he intimidated this man. Did he prevent him from performing his duty there?—A. I do not know that he was trying to arrest him. He was around there. The marshal staid in town two or three days.

Q. Did he perform the duty for which he was sent there?—A. I think he arrested some of them, and some of them left and went back home.

Q. He was not prevented from any performance of his duty by anything that Mr. Gully said or did to him?—A. I do not know that that prevented him.

Q. He did do his duty at any rate?—A. I do not think he was prevented by that.

Q. Was the intimidation by Mr. Gully asking what he was doing there, what business he had?—A. He said, "What in the devil are you doing up here on that business among these God damned thieving scoundrels?"

Q. If he was a democrat?—A. Yes, sir. "If you are a democrat."

Q. That was not a very pleasant or polite remark; but do you consider that intimidation?—A. I would if I had writs for half a dozen men, or a dozen men, and I, as an officer, went to execute them and the man summoned around him a crowd of his friends and talked in that way. I should think it was an effort to intimidate me whether it intimidated me or not. At any rate I should look upon it that way.

Q. Did Gully summon around him a crowd of his friends?—A. I do not know that he summoned them. I saw them there with him.

Q. That is what you said, that he summoned them?—A. No, sir; I did not say he did summon them. Whether they appeared there on his account or not, I do not know.

Q. You do not know whether he summoned a crowd or not?—A. It is my impression; that is all.

Q. There has been a little attempt to intimidate Mr. Gully since, has there not?—A. I do not know; I have not made any attempt to intimidate him.

Q. I did not say that you had; but has not an attempt been made to assassinate Mr. Gully since that election?—A. The report was that he was shot, and that the attempt was a cowardly act of assassination.

Q. Did you hear any report as to who did it or who caused it to be done?—A. I did not at the time.

Q. Did you at any time?—A. Yes, sir.

Q. By whom did you hear that was done or who did it?—A. I never heard that he ever stated that anybody did it. I heard that he said he knew who did it; but I have never heard who he said did it, or who the suspicion lies on.

Q. What was the report in vogue there about it?—A. The report is that he would not tell who it was that did it; that he knew who it was, but refused to give the name; and I never heard anybody say that they knew who it was.

Q. You know it to be a fact that he was shot from the woods?—A. I have no doubt of it. I have not seen him.

Q. Who did common report there fix upon as the author of it?—A. I do not think that common report has fixed upon anybody.

Q. You have not heard anybody implicated at all in suspicion?—A. I have never heard that implicated anybody.

Q. I ask you if anybody was implicated?—A. I do not remember that I ever heard.

Q. You do not recollect of ever hearing any man's name connected with that matter?—A. Yes, sir; I heard, when it was first done, that he charged it to a negro; I cannot think of his name—Hampton, I believe; D. Hampton, they call him.

Q. Was he arrested?—A. He was arrested at the time; but after examination, they found that he could prove positively that he could not possibly have done it, and they released him. Then I heard afterwards that they ordered another man by the name of Hopper to be

arrested, who was plowing close by where it occurred. It has been a month or more since it was done, I think, and some four or five days before I was summoned. I should say about the middle of the month, the 20th, I reckon, of January, I met Squire Ellis, and I was talking with him, and I think he told me that the suspicion rested on Mr. Rush, of Kemper County. I think I talked with a man by the name of Stuart about it since that. That was about the 26th or 27th of last month, and Mr. Stuart said that he had heard that they charged it on Rush, but he did not believe any such thing. If I talked with anybody else about it it was along about that time, and under such circumstances; if I did talk with anybody else about it at any other time, that I do not remember it.

Q. Were these republicans?—A. Mr. Rush is a republican.

Q. How is Mr. Hopper?—A. Mr. Hopper, the man they started to arrest, is a democrat.

Q. Has he not been holding office there as a republican?—A. No, sir. His brother has held office there as a republican; but this man has always claimed to be a democrat, and voted the democratic ticket.

Q. How is the negro who was arrested?—A. I do not know how he is. He is a sort of crazy negro; not crazy either, but not very bright and intelligent. I suppose he is a republican.

Q. You state that about that time there was information to Chisolm that he must not go down the street or he would be assassinated, and that the information came to republicans who said democrats gave it to them. Do you know the names of those democrats?—A. On Saturday, the 4th of November, 1876?

Q. No; the date I have here was after the assassination of Gully.—A. O, no; I never made any such statement as that.

Q. I may have gotten the date wrong. This came in your testimony after the affair of Gully's.—A. I did not make any such statement as that. If I stated it that way I did not intend to, and I was mistaken about it.

Q. My note is, "After the intimidation of Marshall by the shooting of Gully, republicans told Chisolm if he went down the street he would be assassinated," and you stated that democrats gave such information to Chisolm through republicans.—A. I stated what occurred, I think, on the 4th of November, 1876.

Q. At Macon there was a fair division of time, you say?—A. It was agreed upon.

Q. Chisolm spoke first and then Younger, and then Chisolm refused to rejoin?—A. He did not rejoin.

Q. You heard threats made, you say, "Go for Chisolm if he rejoins," or something of that sort?—A. Yes, sir.

Q. You heard those threats?—A. Yes, sir.

Q. You sent a note communicating these facts to Chisolm?—A. Yes, sir.

Q. You said forty or fifty special policemen were appointed.—A. I think fifty on each side, and there were a hundred. I will not be positive about the number, but I think it was about that.

Q. They were appointed by the mayor of the town, Mr. Dillard?—A. They were deputy sheriffs, and I think they were appointed by the sheriff of the county.

Q. Is that sheriff a republican or a democrat?—A. He is a republican.

Q. He appointed then a hundred special deputies to preserve order and quiet?—A. I think about a hundred.

Q. You say that there was no disturbance?—A. Yes, sir; there was none.

Q. Did you acquaint any of these special policemen or special deputy sheriffs that these threats were being made around the stand?—A. No, sir; I did not acquaint any of them with it. There were two in the room with us after I called Mr. Chisolm in.

Q. I mean when these threats were being made which you communicated to Mr. Chisolm, did you inform the deputies of the threats and ask them to keep order?—A. No, sir; the sheriff was close by.

Q. The sheriff was a republican?—A. Yes, sir.

Q. These men were appointed by him?—A. Perhaps the mayor may have appointed some. I will not be positive about that, but I think they were all appointed by the sheriff.

Q. They made no effort to stop this thing?—A. I saw no effort made. The police that were appointed by the sheriff on the democratic side, with the red shirts, just surrounded the speakers' stand, that is, of the rear portion of it. They got inside. He spoke from the front of the court-house and they got into the windows and all around him. The colored police were thrown out in front among the mass of colored people who were there to hear the speaking. These policemen were the ones, some of them, who were making the threats.

Q. This arrangement of special police, I suppose, was made by the sheriff. They were his deputies and he arranged them in order?—A. I think they were just arranged by the citizens around there.

Q. He had the direction and control of the deputies?—A. Yes, sir.

Q. It was a very natural order to put the black deputies among the black people, and the white deputies among the white people. If you had been sheriff yourself you would have made that disposition of special police?—A. If I had made a disposition of the special police there I would have stopped those rowdies and roughs around the speakers' stand.

Q. My question is, was not that a proper disposition of the police?—A. No, sir; I do not think it was a proper disposition of the police at all.

Q. Then you would put white men among negroes and negroes among white men?—A. I would have divided them around. I would have put some white men among the negroes and some negroes among the white men.

Q. Do you think the black police would be as apt to keep order in the crowd as white police?—A. I think they would be as apt to keep order as the police they had there that day.

Q. I am speaking of the two colors there.—A. It is a great deal owing to politics. If he was a white democrat he could not keep peace among the white democrats if he tried.

Q. You think the sheriff made the best disposition he could?—A. I do not know about his making the best disposition he could.

Q. He is a republican?—A. Yes, sir; he is a republican.

Q. He made the arrangement for this division of time?—A. I do not think he made the arrangement that way. They were just appointed for joint discussion.

Q. Did you make any appeal to the sheriff himself, or did Mr. Chisolm make any?—A. We talked with Dr. Algood about it. I think the sheriff was in the room with us. I do not know what decision he came to, but I think it was pretty unanimous that Mr. Chisolm had better not reply.

Q. On what account was he not to reply?—A. From the threats that we had heard made.

Q. Was Welch there that day with his friends?—A. Yes, sir.

Q. Did you say anything about Welch in this note in which you told Chisolm he better not rejoin?—A. I do not think I said anything about him.

Q. Did you not write that Welch was there, and if Mr. Chisolm spoke again hell would be to pay, or something of that sort?—A. I do not think I did.

Q. Can you not recollect the substance of the note well enough to know whether you did or not?—A. The substance of the note was that I heard threats made in the crowd that whenever Chisolm attempted to make his rejoinder to Younger they would go for him, and I stated that I had grave apprehensions, and it was best for Mr. Chisolm not to reply, or at least to see me.

Q. Did you not say that Welch and his friends were on the ground, or something of that sort?—A. I do not think I did.

Q. Can you state positively whether you did or not?—A. I could not tell exactly what I wrote in the note to save my life.

Q. You stated what you wrote in the note about your apprehensions?—A. I gave the substance of it.

Q. Will you say you did not write that?—A. I will say it is my impression that I did not write that.

Q. You did not write that Welch was there and hell would be to pay?—A. I did not write that Welch was there.

Q. Did you know that Welch was there?—A. I knew that Welch was there.

Q. Did you know about his friends being with him generally?—A. No, sir; I did not know that any were there who were his friends. I did not think that Mr. Welch intended to do anything to Mr. Chisolm myself.

Q. You say that at a discussion in Scooba in August, between Mr. Neville and Mr. Chisolm, there had been certain speeches made that day, and when Mr. Chisolm quoted Mr. Greeley on Tilden, charging the latter with being a party to fraud or something of that sort, some man in the crowd gave the statement the damned lie.—A. Before you go any further there, I should like to correct myself in one respect. I do not know whether the discussion was in August or September. It was in one of those months, and it is my impression that it was August.

Q. Did these parties who interrupted Chisolm tell him they had no objection to his speaking, but that he could not make such a statement?—A. No, sir; they did not say that they had no objection to his speaking that I heard, except Mr. Neville, who got up on the stand as I stated.

Q. After Mr. Neville requested the attention of the crowd did they treat the speaker with respect? Was there any further interruption?—A. No, sir; not after that time.

Q. Did not some one of the crowd say they had no objection to his speaking, but they did not want him to tell a damned lie?—A. They did not say they had no objection to his speaking, but they said he should not speak unless he told the truth.

Q. Party feeling was running pretty high about that time?—A. I do not think it was there. There had been no canvass of the county then.

Q. You have seen a good deal of stump-speaking in Mississippi, of course?—A. Yes, sir.

Q. Interruptions by question are very frequent and not often very politely put there?—A. Yes, sir; but that was different from asking a question.

Q. That was an interruption for which there is no excuse; but is it not frequently the case?—A. It is very frequent in all public discussions that I have heard to ask questions.

Q. And they are not very particular in the choice of their words?—A. I have never attended any speaking, except within the last few campaigns, when insolent questions were asked. It has been usually the case where discussions have been made before republican audiences that only a few democrats were there, until the last campaigns in Mississippi. I do not think I have ever had anything asked me that insulted me in the least, and I do not remember hearing any one else before that time.

By Mr. PEASE:

Q. Did you ever know in your experience as a republican of an instance of a republican interrupting a democratic speaker on occasions of popular discussions?—A. I do not think I ever knew of a republican interrupting a democratic speaker, either with polite questions or any other way, in my life.

Q. On this occasion of which you speak, at Scooba, when the democrats entered a protest against Mr. Chisolm speaking because he was not speaking the truth, was it not understood that the crowd, the rabble there, were to be the judges of whether he was speaking the truth or not?—A. That was my idea, that the man who interrupted him and said that he should not speak unless he spoke the truth should be the judge of what was the truth.

Q. Mr. Chisolm was simply discussing the political issues?—A. That was all.

Q. And reading an extract from a paper.—A. Yes, sir; and giving Horace Greeley for authority. The objection they made to it was Mr. Chisolm's remark, "It is good authority, from the fact that he was your candidate for President."

Q. This statement they regarded as untrue, and for making such statements they proceeded to stop him from speaking?—A. Yes, sir.

Mr. MONEY. That was not his statement at all.

Q. (By Mr. PEASE.) State the purport of your testimony in relation to that matter.—A. I intended to state when Mr. Chisolm held up Mr. Greeley as being the candidate of the democratic party they stated to him, "It is a damned lie, and you shall not tell those damned lies," and there were several other just such utterances by other parties after that. When Mr. Neville got up and called upon the party to inform them that it was a joint discussion between himself and Judge Chisolm; that he had invited Judge Chisolm down there, and they should hear him, they said, "Well, he shall not speak unless he tells the truth."

Q. They were to be the judges of the truth?—A. Yes, sir.

Q. Was it not a notorious fact, I suppose not denied, that Mr. Greeley had been the democratic candidate for President, and was nominated by the Baltimore convention?—A. That is what I thought, but the remark was, "We took him as the lesser of evils, and he was not the democratic candidate."

Q. Do you know what business Mr. Welch had at Macon on the occasion when Judge Chisolm spoke there, and the police were appointed

by the sheriff? Does he live in the county of Noxubee?—A. No, sir; he does not live there. He was up there. I had been informed at Shuqualak that Mr. Welch was there. Some time afterwards I asked the question; it was not that day but since the election, and I forget which one of those parties I was talking with about it, and he said that Mr. Welch had been sent off by Senator Foot, of Noxubee County, and Squire Jarnigan, one of the representatives in the lower house of the legislature.

Q. They were democrats?—A. Both of them; and he said they were brought there to go around in joint discussions.

Q. How far is it from De Kalb or Kemper County, where Mr. Welch resides, to Macon?—A. About twenty miles.

Q. You mentioned in your examination something about the assassination of Mr. Gully, and I think you said that it was rumored that Welch had something to do with it.—A. I heard one or two parties say that it had been so rumored.

Q. It was simply rumor?—A. I do not think there is a general rumor in the county as to who did it.

Q. Has there been anybody indicted for it?—A. No, sir; there has been no one indicted. There has been no session of the grand jury since.

Q. From what source did these rumors of the assassination come, as to the assassination having been perpetrated by Mr. Rush or this colored man? Were they not from democratic sources?—A. They were all from democratic sources. Did I understand your question?

Q. The question is whether these rumors in relation to the attempted assassination upon Mr. Gully were or were not from democratic sources, charging the attempted assassination upon republicans?—A. The parties who talked with me about it were democrats.

Q. Is it not a fact that it is a common practice in the democratic party, and among democratic editors, the democratic press, to charge prominent republicans with grave offenses?—A. They seem to want to hold the leading republicans responsible for everything that they do, or that anybody else does, either democrats or republicans. If they can possibly fix any grounds to charge it I think that they will do it.

Q. In relation to the difficulty at Shuqualak, do you recollect what you stated in your examination in regard to the part Mr. Welch took in that transaction?—A. I never heard him make any threat or say anything there. I did not see him there. I saw a communication in the democratic newspaper, the Kemper County Herald. I do not know the precise words, but the communication was that the boys were there, and everything was all right, that Chisolm and his crowd failed to come to time, and the republican banner of Noxubee County trailed to-day. Those are about the words of the communication.

Q. What is Mr. Welch's business? Is he a professional man?—A. He has been in politics some, and is now the deputy sheriff of Kemper County.

Q. He is a democrat, is he?—A. Yes, sir; he was chairman of the democratic executive committee in 1875, I think, for the county.

Q. You were examined in relation to certain charges made against Judge Chisolm, the candidate for Congress on the republican ticket, reflecting upon his character. I want to ask you whether or not there were charges made against his competitor, Mr. Money, the democratic candidate, charging him with receiving some $3,000 back pay?—A. I think the charge was made pretty much against all democratic candi-

dates in Mississippi, that they had received about $3,150 back pay which they were not entitled to.

Q. And there were charges and counter-charges between these candidates in the democratic and republican papers?—A. Yes, sir.

Q. A question was asked you in relation to a report, a statement published in the newspapers, that Judge Chisolm had been turned out of the Masonic lodge for certain alleged crimes. Do you recollect what time this occurred—the charge which was made against him?—A. It occurred several years ago.

Q. About what time?—A. I declare I cannot tell whether it was in 1870 or 1868, but was made before I took much interest in politics in Mississippi.

Q. It was made a number of years ago?—A. Yes, sir; but I knew nothing about it until I saw it published in the papers in the last canvass.

Q. Was it not a fact that after this had occurred as alleged Mr. Chisolm was appointed by Governor Alcorn sheriff of the county of Kemper?—A. Yes, sir; he was appointed and has been elected two terms successively there.

Q. Do you recollect the vote he received at either of those elections?—A. The fight in the counties in Mississippi is generally made for the sheriff's office. That is the best county office from the fact that the sheriff is tax-collector. Mr. Chisolm's vote over his opponent for sheriff was about 185 or 1.0 the first time. I cannot think of the amounts now.

Q. His vote over his competitor?—A. Yes, sir; he had a majority of about 185 or 190 votes. The next time I believe it was 280 votes, or something, two years after. It was nearly three hundred.

Q. His competitor in both of these canvasses was a democrat?—A. Yes, sir; a very strong and influential man.

Q. State whether or not Mr. Chisolm did not receive a very respectable vote from the native white citizens of his county?—A. I know of a number of democrats who voted for him who did not vote any other portion of the republican ticket. I know in one or two instances of that being done.

Q. Do you know a man by the name of J. W. Hardin in your county?—A. Yes, sir.

Q. Was he a candidate for any office at the late election or in 1875?—A. I think he was a candidate for tax-assessor.

Q. He was the democratic candidate for tax-assessor in the county of Kemper?—A. Yes, sir.

Q. State whether or not Mr. Hardin was convicted by confession in an open court for arson.—A. Yes, sir.

Q. Was it not a notorious thing?

Mr. MONEY. Allow me to ask what that has to do with the case. He was not a candidate at all.

Mr. PEASE. He was a democratic candidate, and you have sought to make it appear that the republican candidates were of notoriously bad character.

Mr. MONEY. No, sir; I wanted to show that the violence which the witness alleged was directed to Mr. Chisolm personally on account of his personal character.

Mr. PEASE. You may object to the question.

Mr. MONEY. I object to it as entirely irrelevant.

Mr. PEASE. It is competent to show, if the people were so sensitive about the character of men, how they felt in regard to their own candi-

dates. [To the witness.] In relation to the registration-books of which you were examined in your cross-examination, will you state who were the proper custodians of those records or books?—A. During the time for holding registration and conducting the election, the registrars. I think the book properly belongs to the chancery clerk's office; I will not be positive about it.

Q. It is so required by law?—A. I will not state as knowing of my own knowledge.

Q. Were these parties who came and made the demand for the registration-books in any way the proper custodians of those books?—A. No, sir; they had no more right to them than anybody else.

Q. They had no more right to them than your half-brother had?—A. Not a bit.

Q. But they were seeking to get possession of them?—A. Yes, sir.

Q. You mentioned something about requesting Mr. Bell and some other party to accompany you to Scooba; state when you made the request of these particular men to accompany you there.—A. I stated to them that I thought the campaign in Kemper had got pretty warm, and from reports coming to my ears from republicans, I was fearful there would be some violence practiced on the republicans there. Mr. Bell stated to me that he was personally acquainted with the sister of Judge Chisolm's wife, and that she had raised him from but a boy, and that she had saved him many a whipping and had been promising a long time to go to see her. He said he was going right after the election, but, said he, "I do not care anything about the election and I will go there with you."

Q. You did not represent that these parties were both United States marshals—Bell, and what was the name of the other man?—A. Their names were Bell, Eskeroll, and Davis.

Q. You stated that you never represented to anybody that they were deputy United States marshals, and you had no knowledge of the fact?—A. I never stated to any one, unless I said that Mr. Davis was, and that was my information.

Q. Mr. Davis had been a deputy United States marshal?—A. Yes, sir. I do not know that I stated even if he had been, but that I understood he was.

Q. The marshal himself told you that he was?—A. Yes, sir.

Q. Was it not a fact that you requested these men to accompany you there because you feared personal violence, and that they were regarded as being very courageous men?—A. I regarded one or two of them as being courageous, and I thought they were my friends. They were not doing anything at the time, and I did request that some of them should stop with me.

Mr. MONEY. I object to that as entirely leading.

Mr. PEASE. I think you indulged in that a good deal and we raised no objections. You can object if you see proper.

Mr. MONEY. I do most assuredly.

Mr. PEASE. I think we have a perfect right to ask a question of that sort in rebuttal. [To the witness.] Is it not a fact that Mr. Bell was a democrat?—A. I always understood him to be a democrat.

Q. Do you not know that he is? Do you not know that he affiliates with that party?—A. Yes, sir; he always represents himself as a democrat to me.

Q. It is your impression that he is now in the penitentiary for murder?—A. No, sir; it was my impression that he was in the county jail. I think he was convicted perhaps for murder, and is in jail.

Mr. SINGLETON. I think he was convicted, and perhaps moved for a new trial.

The WITNESS. That is about my impression.

Q. (By Mr. PEASE.) You stated something about many of the leading democrats, citizens of the town of Scooba, having attempted to induce you to join the democratic party. Will you now not state what they said to you? I think you said in your cross-examination that nearly every democrat in Scooba had said to you that if you would join the democratic party you would be safe?—A. Not only in Scooba, but it extended nearly all over the whole county, with a few exceptions of a few parties who, I think, are enemies on account of my politics, that I do not speak to, and I do not associate with them. With this exception, they told me that if I would go with the democratic party it would be all right.

Q. What did you understand by that?—A. I understood by that that I would be received into fellowship, hail-fellow well met, with brother democrats.

Q. That you would be in no personal danger on account of your political belief, if you only subscribed the democratic faith?—A. I do not regard myself as being in any personal danger, much, now.

Q. You were asked in the cross-examination whether or not the feeling of public sentiment against yourself and Mr. Chisolm was in consequence of the killing of a certain man at Scooba. Now I want to know whether or not Mr. Chisolm has not been elected sheriff of that county for two successive terms since the occurrence?—A. Yes, sir; he was elected twice since.

Q. Elected by a very handsome majority of that county?—A. Yes, sir.

Q. Many native white people voting for him?—A. They were bound to vote for him from the majority he got.

Q. You were never indicted for this assault or killing, were you?—A. No, sir.

Q. There have been opportunities, there have been several terms of court since that occurred, in that county?—A. I waived examination at the request of the counsel on the other side before the court, and gave bond—they fixed it themselves at $2,000—for my appearance to answer any charge that the grand jury might bring at the ensuing term of the circuit court. I appeared, was not indicted, and have been there ever since, and have not been indicted for it.

Q. Was not this killing which was brought out in the cross-examination done in self-defense?—A. I felt like it was. There had been a feeling between me and the party. We had been very friendly up to about four weeks before that; I went into the republican convention that was held to nominate a senator; that convention was held at De Kalb. As soon as I went back to Scooba, the young man that I was in partnership with said that my being a republican would ruin the business, and he said he wanted either to sell out to me, or buy me out, one way or the other; that it was very unpopular to be a republican, and would injure the business to a considerable extent. He sent to Mobile for a brother of his to assist him in furnishing the means to buy me out. I was taken down sick in a day or two thereafter, and was confined in my room. This man Dawson came into the town. I knew him to be a desperate man, and he was so held by the community. He marched over the town with his double-barreled gun for a whole day long, cursing and swearing, and wanted to shoot up in my window. He had some eight or ten followers all the time, and the epithets were, "John Gilmer, the God

damned radical son of a bitch." You could hear him all over the town. I would sometimes hear him say, "Let me shoot in the window." They seemed to prevent him going up into my room. He wanted to go up into the room; and after this thing occurred, I think about the first or second time, he came in afterward and he got killed. I sent him word, however; we had been friends before, and I asked a man who was a democrat, by the name of Dunlap, Mr. John R. Dunlap, to see him and ask him if his curses and abuses on me were caused from a political nature, or perhaps he may have heard that I had said something about him in some way, and felt justified in treating me in that manner; and if he had heard anything of that sort, if he had heard any such reports, they were false, and that I was prepared to prove it to his satisfaction; and that I wanted to know whether he abused me for being a republican or whether it was from other imaginary causes. The reply back to me was that he said, no, he had nothing against me, no excuse for cursing me except that I was a damned radical; and that was all the excuse I ever heard for it.

Q. Did he make an assault upon you?—A. Yes, sir; he came into the house. The registrars for the country were holding a registration in Scooba that day. Mr. Davis, one of the registrars, was in my house. He said that Mr. Dawson had threatened him that day when he came up to the registrar's, and he was fearful that he might have some trouble with him. There were some other parties who came in; they had heard Dawson threaten me—that he said no God damned radical should live in the town, and that he was going to go for me that day. They said that he had gone into a saloon to get some sardines and a drink of whisky, and he remarked to the proprietor that he wanted some sardines, or else that would be the last mouthful he would ever eat; that he was going to settle that thing that day. This was information brought right direct to me. The proprietor replied that he had better not do it, "for," said he, "if you attack Gilmer, he will kill you." Dawson said he believed Gilmer would shoot, but he would have to be God damned quick if he got advantage of him.

Q. From what you saw and heard you considered yourself in great bodily harm?—A. Yes, sir; I considered myself in great danger. I did not go up to dinner, from the fact that I did not want to go out on the streets. I wanted, if possible, in every way to avoid a collision. I had moved, prior to that, to Sucarnoochee, a station below Scooba seven or eight miles, purposely to avoid him. I had recently moved back to Scooba. I just came to the conclusion that I had as much right in the town as he or any other man had, and that I would go back and take my chances. He passed by the door and hallooed, "Hurrah for hell! and God damn all radicals in the town." He went into a saloon above there and took a drink, and came out on the door and hallooed to know if Bill Davis was in there. I told him, "Yes." Said he, "You tell him he is a God damned radical son of a bitch." I told him that Davis was in the house there, and if he wanted him told that to come in himself; that I would deliver no such message. He came in with his pistol cocked; and the information having come to me that he said he intended to kill Davis and then he would kill me, I pulled out my pistol. He had his pistol cocked. He fired at Davis, and as he fired at Davis we both shot him. Davis shot him with a double-barreled gun and I shot him with a pistol, and after he fell I shot him again; and there was a great hue-and-cry by the democrats that I had shot a dead man. The democrats met that night. I immediately went and gave myself up to Mr. Frank Robinson, the democratic nominee for sheriff in the county, and

Captain Rush, the then candidate for circuit clerk, I believe, on the republican ticket, and Mr. Chamberlain, a democrat and lawyer there in the county.

Q. Was Chamberlain the circuit clerk at that time?—A. Yes, sir; I requested that they should take me to the sheriff and deliver me up. I was ready to abide by whatever the law might say. I did not give up my pistols, however, and some parties came around to one of the guards; they called Mr. Chamberlain. Mr. Chamberlain came back and said to me that they were making some threats; that you had taken your arms off with you. He said it may exasperate the people against you, and they have come now to know if you will give up your arms. I told him that I had been threatened so much I feared if I surrendered my arms I would not be protected, and I should not surrender them until I got in the custody of the sheriff; and whenever he was prepared to guard me properly then I would turn them over to him as the proper custodian; that I would not turn them over then and be hurt. That night they came in parties from all around the country. There were some of them from Alabama, I think. I heard after that they were from Alabama, and they put a guard all around the streets. They started two or three mobs in the direction of De Kalb on different roads, swearing that they were going to get me and assassinate me. They knocked open the back door of my store-house, and some of them stripped themselves of their own clothing and left their own clothing in my house, and dressed themselves in my clothing. They took out the great majority of the goods in a back street, back of the town—of the business row—and made a fire, and piled them up and burned them. They knocked open the kegs of molasses, and ripped open sacks of salt and sacks of coffee, and knocked out the head of a barrel of whisky. My impression is that they all got drunk. I have been informed since that a great many of them got drunk, and they had a good time. They just strewed coffee and everything along the floor, except what they toted out and burnt. There were two casks of bacon that I recovered; they burnt most of it. I recovered, perhaps, two or three hams, and I saved some five or six barrels of flour, but most of that was damaged. They had knocked out the heads of barrels and piled kerosene oil over them, and only two or three barrels were not damaged.

Q. Did they burn your store-house?—A. No, sir; they did not burn it. The store-house was not mine, it was only rented.

Q. You were tried before a committing-officer, and put under bonds for how much?—A. $2,000. Mr. Davis was tried before the committing-officers, consisting of five magistrates, three of them republicans and two of them democrats, and Mr. Davis was bound over in an appearance-bond of the sum of $2,000. Then the counsel on the other side suggested that me and my friend would agree to give them a like bond of $2,000, conditioned for my appearance to any action that the grand jury of the county might take, and we accepted the proposition.

Q. You were not arraigned before the committing-officers?—A. No, sir; not at all.

Q. You were asked in your cross-examination as to an assault made upon Sheriff Crosby at Vicksburgh; state whether or not a trial was had in that case.—A. Yes, sir.

Q. The assault on him was made in a bar-room?—A. Crosby and myself were the only republicans in there; there were twelve or fifteen democrats.

Q. Never mind the circumstances, but state whether or not you were

tried for that offense.—A. I was tried for it, and by the testimony of those parties who were in there I was cleared.

Q. You were tried before a democratic justice of the peace?—A. No, sir; it was a republican justice—a negro. But all the witnesses were democrats, and I was not even bound to appear at all, nor afterwards indicted.

Q. In your cross-examination counsel introduced a certain pamphlet, and you were asked whether you had not seen this published in the newspapers of the State, and you stated that you had. I will ask you whether or not Judge Chisolm, to whom this pamphlet refers, ever made a reply to it—an explanation?—A. Yes, sir; he replied to it.

Q. (Producing.) Will you state whether or not this card is the reply he made, and whether that was published generally throughout his district?—A. Yes, sir; that is it.

Mr. PEASE. I desire to submit this paper as part of the record in this examination.

The paper is as follows:

CARD FROM JUDGE W. W. CHISOLM.

EDITOR CLARION: I respectfully request that you publish this my reply to certain charges which appeared against me in the columns of your issue of the 3d inst., and ask that other papers that have copied the article will likewise do me the justice to copy this. If there be those who think I have been slow in giving attention to this matter, I will state that as a candidate for Congress I have been busy in the canvass away from home, and have been compelled to rely upon a correspondent to procure such documentary evidence as I deemed important for my vindication.

Your readers will remember that the main charge, and the one on which all the others were based, was contained in the affidavit of one George L. Welsh, and which I here reproduce:

THE FORGED AFFIDAVIT.

(*Henry Moore was dead when this affidavit was made.*)

STATE OF MISSISSIPPI, *Kemper County:*

Before me, W. W. Chisolm, judge of probate in and for said county, personally came Perry Moore, to me well known as a just and reliable citizen in said county, who, after being by me duly sworn according to law, deposeth and says that he was with the United States forces under the command of General Sherman, in the county of Lauderdale, in the year 1864, (eighteen hundred and sixty-four,) in said State of Mississippi, on or about the 20th day of February of said year, on the road leading from Marion Station to Hillsboro, in Scott County, Mississippi, and he, the aforesaid, saw at one White's gin, on said road, about eight or ten miles from Marion Station, the said U. S. forces put fire to and burn one hundred and eighty-four bales of lint cotton (184) belonging to Robert J. Moseley. They, the said United States forces, stated and told me it was by order of General Sherman.

PERRY MOORE.

Sworn to and subscribed before me this the 2nd day of February, A. D. 1867.

[L. S.] W. W. CHISOLM, *Probate Judge.*

THE FRAUD ACKNOWLEDGED.

I certify that the foregoing is a true copy of the original papers, and that the name subscribed thereto, purporting to be the genuine signature of Perry Moore, is a base forgery, and so admitted to me by W. W. Chisolm at the time I arrested said papers in his hands. Said Chisolm was at the time judge of the probate court of Kemper County, and I was clerk of said court.

GEO. L. WELSH.

DE KALB, MISS., Sept. 30, 1876.

To convict this poor wretch Welsh of being at once a simpleton as well as a liar, I call the attention of the public to the following extract from the records of the probate court of Kemper County:

STATE OF MISSISSIPPI, *Kemper County:*

To the honorable John McRea, judge of the probate court of said county:

The undersigned, Jordan Moore, petitions your honor to grant him letters of administration on the estate of Perry Moore, deceased, of said county, and in making this petition

would state that said decedent departed this life on or about the eighth day of February, 1867; that he died without a will, seized of effects in said county upon which it is necessary that administration should be had, and in duty bound your petitioner will ever pray.

JORDAN MOORE.

Sworn to and subscribed before me August 12, 1867.

GEO. L. WELSH.

STATE OF MISSISSIPPI, *Kemper County:*

I, H. Rush, clerk of the chancery court in and for said county, do hereby certify that the foregoing is a correct copy of the letters of administration upon the estate of Perry Moore, deceased, as appears upon file and on record in my office at De Kalb this October 24th, 1876.

H. RUSH, *Clerk.*

Welsh says that Perry Moore was dead before the affidavit in regard to the cotton was made, and that was on the 2d day of February, 1867, and yet Jordan Moore made affidavit before this same George L. Welsh that Perry Moore died on or about the 8th day of February, 1867. See how plain a tale will put a lying scoundrel down. By the records of his own court he stands a convicted liar. Need I say more? I would not trouble myself to say this much to people who knew this Welsh, but many read the Clarion who have no means of knowing what reliance is to be placed in this fellow George L. Welsh, so I present them these two papers so that they may have no difficulty in determining. Now, upon this slanderous charge of Welsh, all the superstructure of persecution against me has been raised. Proving the foundation to be false, what becomes of the edifice?

This same George L. Welsh says that "he arrested Perry Moore's affidavit in my hands; that I admitted that it was a forgery; that he demanded my resignation, and I did resign." I congratulate Welsh in doing what he seldom does—stumbling upon one scrap of truth, for "I did resign," but that I did it upon the demand of George L. Welsh or any one else is a falsehood too infamous to be coined by any other than his brain, which is so notoriously fruitful of such productions. When I did resign my successor was appointed upon my recommendation. When we are both known, the idea of George L. Welsh demanding anything at my hands will sound preposterous indeed. Alone and together, he would not risk his cowardly carcass within reach of the toe of my boot, except he was acting the part of a cringing cur.

Affidavits from T. H. Woods, district attorney, and James Haughley and W. B. Lockett, members of the grand jury in 1868, declare that I was indicted for forgery in uttering the Perry Moore affidavit. That may be true; but I was present at the close of that inquisition and never heard it. If so, it was of course *ex parte*, and founded doubless upon the testimony of George L. Welsh, who we see has written and doubless then swore that Perry Moore was dead before the affidavit was made. Now, whatever the grand jury thought, if they ever found such a bill upon Welsh's testimony, it is now beyond dispute that he lied, and lied in the face of his own records. It is true that the records of the court were stolen in 1868, and a ku-klux cap was found in the office after the thieves had departed.

But whether I was indicted or not, the fact remains that fourteen terms of the circuit court had been held in Kemper County since that time, and I have never been called to answer.

In addition to this, I may say that this is not the first time that this matter has been before the public. In 1871 an anonymous letter, addressed to Governor Alcorn, appeared in the Clarion containing substantially the same charge. It was a subject of investigation by the governor, but he became satisfied that it was a malicious slander, and subsequently appointed me to the office of sheriff of the county, to which position I have been twice elected since that time by people who knew of Welsh's slanderous falsehoods, and knew what value to give them. It is true that I was expelled from the Masonic lodge. Welsh is a Mason; so were his coadjutors. Pending the movement against me in the lodge, I was assured by T. C. Murphy, S. Gully, and Charles Bell that if I would be quiet politically it would be "all right" in the lodge. Having been taught, even before I became an entered apprentice, that the obligations of Free Masonry would not interfere with my religious or political opinions, be they what they may, my duty to my God, my neighbor, or myself, I declined to yield to the demands of the "brethren," and was expelled because I was a republican and forced to avow my sentiments.

Besides showing how basely slanderous and false this creature Welsh is, I might introduce him in a new act, and cast another shadow upon his character, by showing his connection with county warrants in Kemper County, and other deeds darker still. But at present I am only engaged in proving him a liar, too distinct and unequivocal for the public to regard. I may give a chapter on other elements of his character hereafter, if any one should question his business.

Very respectfully, yours, &c.,

W. W. CHISOLM.

Q. (By Mr. PEASE.) I think you said that you suffered no personal violence in the campaign of 1876; was that your statement in the cross-examination?—A. Yes, sir.

Q. Were you a candidate for any office in 1876?—A. No, sir.

Q. But you were a candidate for office in 1875, when you were obliged to fly to the woods?—A. Yes, sir.

Q. And made your way from Scooba to DeKalb?—A. Yes, sir; I was a candidate for re-election to the State senate.

Q. How long have you been acquainted with Judge Chisolm?—A. I became acquainted with him immediately after I came to the State.

Q. Will you state what is his general repute for integrity and honesty among the republicans of the State? What is his reputation?—A. I think he stands rather prominently among them. He received the nomination, I think unanimously, for Congress, and was very flatteringly spoken of in the State convention four years ago for a place on the State ticket.

Q. Will you state whether or not, in the district in which he was nominated, there were a large number of native white republicans who indorsed Judge Chisolm for Congress?—A. Yes, sir; there are a great many of them in our county. In Kemper they were all enthusiastic for him. He had been a candidate against Judge Niles in the convention three years before that, and the county was instructed for him, and was also instructed for him in the State convention. Up there in East Mississippi, as I said, there are more native republicans than in other parts of the State.

Q. Chisolm had been sheriff of your county something like six years?—A. Yes, sir.

Q. Do you know whether or not his accounts with the State auditor were audited, and whether or not his settlements were all made in accordance with law?—A. So far as I know they were. I have never heard anything charged to the contrary.

Q. You heard no complaint?—A. No, sir.

Q. He has been sheriff there for six years?—A. Yes, sir; and he has property there that they can make it out of if there is anything behind.

WASHINGTON, *February* 6, 1877—7.30 p. m.

JOHN P. GILMER'S examination resumed.

The WITNESS. Before you commence I should like to make a little explanation in relation to a question that was asked me in my examination in-chief to-day. Since I left here I have been thinking over what I testified to. I think I was asked if I knew any person who refused to employ or who discharged parties on account of their politics, and, as well as I remember, I answered I did not. I could not, at the time, recall to memory any case. Since then I have thought of one person, and that is the only one, that has just accidentally occurred to my mind in thinking over it, who informed me that if the hands on his place—the negroes he spoke of—voted the republican ticket he would discharge them; that no man who voted the republican ticket should work his land.

By Mr. PEASE:

Q. What was his name?—A. J. Scott Spencer.

Q. When was that?—A. That was in the year 1875. He was the democratic representative on the board of election in Scooba precinct. Then, too, there is another matter that I should like to explain. I did not think that I would be examined in regard to that matter, and as there was some little interest manifested to try to show that I had not

very good motives in going over to Warren County in making Mr. Crosby's bond——

Q. Crosby was the sheriff?—A. Yes, sir; he was the sheriff. As I before stated, there had been a riot before I went to the county, and the news was all over the State that every effort that was possible to be made was being made to prevent the republican sheriff there from making his bond. I had been asked by leading republicans of the State if I could render any possible assistance to do so, and at their instance I concluded to go on. I consulted a great many, however, who advised me not to go; among them General Charles E. Furlong, who was formerly the sheriff, and at that time a State senator, and Senator Little, now the postmaster at Aberdeen. Senator Little had been over there on a legislative investigating committee in regard to the riots and troubles that had existed in that county. I thought that he was pretty well posted about the temper and feeling of the people there, and he advised me that he would not go there under any circumstances, for any kind of pay or anything else; that nothing could induce him to take his chances there as the deputy sheriff for Crosby, or to make his bond; and General Furlong informed me by all means not to go. He said, "There are plenty of people there, many roughs and rowdies, that can be hired to assassinate you for twenty-five dollars. They will shoot you down from the street-corners, or anywhere you go, and you cannot be protected there. The people will not stand anybody to make Crosby's bond, and a regiment of United States soldiers could not protect you there."

By Mr. MONEY:

Q. This is what they told you?—A. That is what they told me.

Q. You do not assert it to be true?—A. I did not need any regiment of United States soldiers.

Q. You do not say that state of things was actually existing there?—A. I found a very bad state of affairs in the county.

Q. You only give that as statements made to you, and not of your own knowledge?—A. Only as coming from them. That is all I desire to say.

Q. What is the name of the man about whom Senator Pease asked you if he did not confess to being guilty of the crime of arson in open court?—A. Hardin.

Q. Is it true that he confessed that he was guilty of that crime, or did he not go and confess judgment for the goods burned at your store at the time you speak of the mob sacking the store and burning the goods?—A. There were a number of indictments found against parties for sacking the store and taking the goods.

Q. I am speaking of this particular individual?—A. There were some twelve or thirteen, and they all agreed that it was impossible to arrest them. They laid out in the woods and got beyond the reach of the law, outside of the limits of the State.

Q. I understand that. I want to know whether it is not the fact that this man went into court and confessed judgment for the value of the goods, and that he did not plead guilty to the crime of arson?—A. It was the fact that he pleaded guilty.

Q. What was the amount?—A. I do not know the amount; but about two hundred dollars, I think, he confessed judgment for.

Q. He confessed judgment?—A. Yes, sir; he confessed judgment as to going into my store, and pleaded guilty to the charge. There was a civil suit brought against him in addition to his having been indicted.

By Mr. PEASE:

Q. In addition to the criminal action?—A. I do not know whether the civil suit embraced him or not, but it was brought against all the parties. I could not be positive unless I had the papers here. There was a civil suit brought to recover damages and losses against some of the parties who were indicted along with him for the same offense, and they all pleaded guilty. Some of them paid and some of them did not. I think there are some of them that did not pay. Most of them agreed to pay something for the value of the goods that had been burned and pleaded guilty to having broken into the house, and to taking the goods and to destroying them.

By Mr. MONEY:

Q. Is this not true, that there was an agreement that these men should come up and confess judgment for this amount upon condition that the indictments would be withdrawn, and they were withdrawn?—A. No, sir; it is not true that they were withdrawn. The condition was this—I was not there at the time that the arrangement was entered into, but Judge Revis from Alabama——.

Q. All I want to know is the fact whether it is or is not true that indictments were withdrawn on the criminal charge upon the terms that these men would come up and confess judgment?—A. That was not my understanding. The understanding with me was that they should plead guilty to the charges.

Q. To the criminal charges?—A. Yes, sir; to the criminal charges.

Q. Do you know the signature of W. W. Chisolm? Are you familiar with his handwriting?—A. I do not know that I would know his signature. I am pretty tolerably familiar with his handwriting, and I think I would know a letter written by him.

Q. Would you know his signature to a document?—A. I might have some idea, but I could not be positive.

Q. I wish you would look at that paper and see whether that is Judge Chisolm's signature or not. [Handing paper to witness.]—A. [Examining.] I do not know whether that is his signature or not. It seems to be in pencil. The writing above there is not his writing. I could tell by several lines.

Q. It purports to be a copy of an instrument he wrote. Is that his signature to it?—A. I do not know whether that is his signature or not.

Q. It is not important. I wanted to know if you recognized his handwriting?—A. I have had a great many notes and letters from him, but I do not know that I particularly noticed his signature. I think I would know his handwriting, though.

Mr. PEASE. Do you desire to put the paper in evidence?

Mr. MONEY. No, sir.

GEORGE L. WELSH sworn and examined.

By Mr. MONEY:

Question. Are you a citizen of Kemper County, Mississippi?—Answer. Yes, sir.

Q. In politics you are a democrat, are you?—A. Yes, sir.

Q. How long have you been in Kemper County?—A. I have been there since I was a few years old. I was very small when my parents moved there.

Q. Have you held any public office in that county?—A. Yes, sir.

The WITNESS. At the time of the firing my understanding was that a small body of the whites had got together down at the bottom, and that they tried to get together as much as possible, and that the negroes came pressing down upon them from the top of the hill in a mass, and that the first shot was fired by the accidental discharge of Mr. Thompson's pistol, and then followed the firing by the colored man, and then the firing became general. I hope if there is anything that appears in my testimony in conflict with that report, you will give me an opportunity to explain. I want to go before the country properly. Mr. Johnson drew the report, and it was not submitted to me.

Q. I have called your attention to all that has suggested itself to me. You say the whites generally, in 1875 and 1876, in your county voted?—A. Yes.

Q. If there was a falling off of any votes you would presume that that falling off occurred in the votes of the negroes who had failed to vote in 1875 and 1876?—A. I reckon it would be, because I reckon there was a very general voting of the whites.

By Mr. HOOKER:

Q. What did the evidence disclose as to the number of white people who were present, and the number of colored people, at this Clinton riot?

The WITNESS. Can I have the copy of the former report to refresh my memory?

Mr. TELLER. Yes.

[The witness is handed a copy of the report of the Senate committee on the Mississippi election of 1875, known as the "Boutwell Report," and states:] Here is the report from which I will read some extracts: "An invitation was extended to all persons to attend the republican meeting and barbecue at Clinton. There was to be a joint discussion. Accordingly, perhaps sixty or seventy-five white men went to the grounds. There were from 1,000 to 1,200 negro men present. As many, perhaps, as two or three hundred went there armed with pistols. There were probably twenty or thirty white men with pistols on their persons, not more than fifteen of whom participated in the fight. Many of the negroes went to Clinton anticipating a fight, and armed for it, and seized as a pretext for the affray a quarrel between a white man and a negro."

Mr. TELLER. That is your statement based upon what you supposed to be the facts at the time?—A. Yes.

Q. Based upon testimony given by white men?—A. No, sir; quite a number were colored men; I think I can point out the colored men's names.

Q. That is the report you made to the democratic authority?—A. Yes.

Q. Did you make any to the State authority?—A. I was never called upon to do it.

Q. Did you make any to the county authority?—A. I did not. The name of one colored man who testified there was Herbert Strange, I observe.

W. W. CHISOLM sworn and examined.

By Mr. TELLER:

Question. Mr. Chisolm, where do you reside?—Answer. I live in Kemper County, Mississippi.

Q. How long have you resided there?—A. I have lived there about twenty five or six years.

Q. Of what State are you a native?—A. Georgia.

Q. Were you in the confederate service?—A. No, sir; I was in the war very little. I held an office under the confederate government, but did not participate in the army.

Q. What office?—A. Probate judge.

Q. In what county?—A. Kemper County.

Q. During the war?—A. A part of the time. A portion of the time I was in the conscript bureau.

Q. Were you in the service?—A. I was in the service—in the militia some. My sympathies were with the South.

Q. Have you held any public office since the war? If so, state what.—A. I have been the sheriff of my county since the war.

Q. When were you elected sheriff?—A. I was appointed by Governor Alcorn, as soon as my disabilities were removed. My brother was appointed by Governor Ames, as I could not take the oath. Afterward my disabilities were removed, Governor Alcorn appointed me; and I was elected twice afterward.

Q. Do you hold any office now?—A. No, sir; I am United States commissioner.

Q. What is the population of your county, white or black?—A. About equally divided, according as the registration is there.

Q. What is the registration, if you recollect?—A. Between three and four thousand.

Q. About equally divided between white and black?—A. That was before the last registration. I don't think the last registration registered more than three thousand votes in the county; the old registration registered four thousand. I am not positive about the registration; did not pay much attention to it.

Q. What has been the politics of the county since the war?—A. It went republican every time up to 1875; it went republican from the constitutional convention.

Q. Do you remember the majorities?—A. For the constitutional convention it went about six hundred and eighty-seven majority.

Q. That was in 1867?—A. I think in July, 1868; that is my recollection; I am not positive as to that. For Governor Alcorn in that canvass, it went over two hundred majority.

Q. That was in 1869?—A. In 1869.

Q. How in 1871?—A. In 1871 it went about two hundred majority; it ranged from one hundred and eighty to two hundred. In 1872 it went more than four hundred majority; in 1873, at the State election there, for governor and the different officers, the majorities ranged from one hundred and seventy-five to two hundred.

Q. Are there any white republicans in that county?—A. Yes, sir; we have a good many white republicans voting there. We have always claimed that we have—counting the votes; the majority we cast there—we always claimed one hundred and fifty to two hundred and fifty men who voted the republican ticket; from one hundred and fifty to two hundred and fifty white men who voted the republican ticket.

Q. What are these people natives of—Mississippi?—A. Yes, sir; there has never been any northern men in my county at all except Colonel Stafford, and there was a Mr. Boozier, or Hoosier. Most of the white men who vote the republican ticket are men of property. Most of them pay as much taxes as any class of men in the county.

Q. What were the politics of these gentlemen before the war?—A. Most of them were confederates.

Q. Before the war were they whigs or democrats?—A. They were divided. The majority were whigs.

Q. What were your politics before the war?—A. I was a whig. I voted for Bell and Everett.

Q. In 1860?—A. I was elected as a whig in that county. I was very young then.

Q. How have your elections in Kemper County been up to 1875?—A. They have been rather quiet along up to 1875. My testimony was taken before the Boutwell committee in 1875.

Q. It is in that?—A. Yes, sir; and it is about substantially true, except I want to correct—I want to make some statements as to the testimony of Squire Ellis of that county. My testimony is in the first volume. Mr. Ellis says in his testimony before that committee, page 1786, "the republicans refused to divide the time with the democrats." I state emphatically (and I believe they regard me as the head of the party there, and have been since the war) that there was never any proposition by me to divide the time with the democrats, except with Judge Bell, in my speech at Blackwater. At that place I divided the time. He states (p. 1786) that there was fearful extravagance in the county.

Q. In the county management?—A. And that the taxes "was about four per cent. on the dollar." I state emphatically that such is not the fact, and never has been. The tax has never been four per cent. *ad valorem* in the county; that there have never been any warrants in the county but what there was ready sale for in the market except the warrants issued by the democratic school-directors of that county. All of them were democrats. The members of the board were all democrats. The superintendent was republican. They issued a large amount of warrants, which are still outstanding. They have been bonded. They have been very worthless, but it was by the directors appointed under the first school-law in our State, and they were all democrats. A. J. Ellis was their attorney. They issued a great many warrants which have been very worthless. He says, (page 1788,) in speaking of the registration-books, about my having had the registration-books—he states that I denied having the custody of the registration-books, and that I afterwards admitted that I had them. I state emphatically that I never denied nor admitted anything about the registration-books, but told him that I was not the custodian of the books, and had nothing to do with them. I had requested my deputy, who had the key of the safe, to lock them in my safe in the sheriff's office for safe-keeping. He states that my wife went down there and got the books out, whereas my deputy sheriff went down for the books and got them out.

Q. Is there anything else you want to say about that testimony?—A. Yes; Gilmer says that he was (page 1789) one of the managers of election at Scooba. He was not one of the managers at Scooba nor anywhere in the county. Let me see page 1792. [The volume was handed to the witness.] He (Ellis) states that the negroes "all had guns, sir; or at least a large majority of them;" that nearly all of them were armed or had arms, as they are apt to have guns and dogs and pistols. I will state that there is not one-twentieth of the negroes in the county of Kemper who have a gun of any description or a pistol.

By Mr. MONEY, (representing Mr. Kernan:)

Q. You know that to be a fact?—A. To the best of my knowledge and belief. That is the only way I swear to anything.

By Mr. TELLER:

Q. To the best of your knowledge and belief?—A. Of my knowledge and belief; from acquaintance with them. I do not swear to this, and I do not know, except what I believe. He states that there was a colored preacher that talked with him about the election, (page 1798,) some one who lived on a place belonging to him.

Q. Did you live near him?—A. I lived right near; he has a little place near De Kalb, where a colored man lives on it. He states that Gilmer said (page 1799) that he would have come off the ticket in the canvass of '75 if I had not insisted upon his running, so as to carry considerable weight for the party. I will state emphatically that Mr. Gilmer never opened his mouth about coming off the ticket in that county.

Q. Now do you want to say anything more about '75 according to your knowledge and belief?—A. No, sir.

Q. You are W. W. Chisolm that testified before the Boutwell committee?—A. Yes, sir.

Q. Your testimony is correct?—A. Yes, sir; about correct, I think.

Q. Did you take part in the campaign of 1876?—A. Yes, sir; I did.

Q. What part did you take in it?—A. Well, I had appointments to make a good many speeches.

Q. Were you running for any office?—A. Yes, sir; I was nominated for Congress on the sixth day of September.

Q. By what party?—A. By the republican party; I am not positive as to its being the sixth of September; that is my recollection.

Q. Did you publish a list of the appointments?—A. Yes, sir; I have a list of appointments in my hand that I published.

Mr. TELLER. You may submit that to the reporter.

The document was as follows:

RALLY, REPUBLICANS!

Public speaking.

Hon. W. W. Chisolm, the republican nominee for Congress in the third district, and others, will address the people at the following times and places:

WINSTON COUNTY.

Plattsburgh, Saturday, September 30; Louisville, Monday, October 2; New Prospect, Tuesday, October 3.

CHOCTAW COUNTY.

Chester, Wednesday, October 4; La Grange, Thursday, October 5.

SUMNER COUNTY.

Greensborough, Friday, October 6; Cumberland, Saturday, October 7; Shady Grove, Monday, October 9.

CALHOUN COUNTY.

State Springs, Tuesday, October 10.

GRENADA COUNTY.

Graysport, Wednesday, October 11; Grenada, Thursday, October 12.

LE FLORE COUNTY.

Red Cross, Saturday, October 14; Greenwood, Monday, October 16; Shepardstown, Thursday, October 19.

SUNFLOWER COUNTY.

Johnsonville, Wednesday, October 18.

CARROLL COUNTY.

Carrollton, Friday, October 20; Vaiden October 24.

MONTGOMERY COUNTY.

Duck, Saturday, October 21; Winona, October 23.

ATTALA COUNTY.

Kosciusko, October 25; Sallis, October, 26.

NESHOBA COUNTY.

Dixon, October 27; Philadelphia, October 28.

NOXUBEE COUNTY.

Shuqualak, October 31; Macon, November 1; Brooksville, November 2.

KEMPER COUNTY.

Scooba, November 3; De Kalb, November 4.

Mr. Chisolm will be accompanied at several of the above-named places by Hons. H. R. Ware, H. C. Niles, R. Boyd, G. C. McKee, Wm. Price, W. E. Kelley, G. E. Harris, M. Tuttle, J. P. Gilmer, and P. P. Bailey and others.

The democratic nominee is invited to join in the discussion, and a fair division of time will be given.

The WITNESS. I may say here, however, before I go into the discussion of these appointments, that I was at Scooba some time in August on some business, and met Mr. C. Rosenbaum, my deputy sheriff; was in the back room of his store, and was talking on some matters of business that I went down there to look after. There came some men in there who seemed to have been drinking. Some of them said that they wanted me to divide the time with Houston. Houston is the democratic speaker down there. I remarked to the man that I didn't come to Scooba to make a speech; but if the democratic party wanted me to speak, of course I would do so; but no information from him would get me to go out and make a speech. He asked me who I needed it from. I told him from the chairman of the democratic club there, or some other man who was running the thing down there. He said that in a few moments afterward Dr. George and Squire Ellis would be down there to see me. I said all right. He told me he came over to see about the dividing of the time; that Mr. Houston had sent me word to divide the time with him.

Q. (By Mr. TELLER.) Who was Dr. George?—A. He was a practicing physician.

Q. A democrat?—A. Yes, sir; a democrat.

Q. Is Squire Ellis a democrat?—A. Squire Ellis is connected with the democratic executive committee somehow—secretary, I think. I told them that I certainly would take pleasure in speaking if it suited them. They said they wanted it understood that I should make a public declaration to the colored men that they should stay and hear both sides. A good many colored men had come into town. It was Saturday evening. I told them that I would do that. I went out and made the declaration that I was going to divide the time with these gentlemen, and I especially requested the colored men to listen to the speech of Mr. Houston. He made the first speech. I replied to him; then he rejoined. Before I left town I had some business at the depot about an express package that I learned was there for me. As I was going down Squire Nevills halted me on the road, and told me that he wanted me to make an appointment to meet him at Scooba on some day; I forget the day. I remarked that I did not know whether I could do it or not; that I did not know so well about it; that I probably would. After that, without any consultation as far as I was concerned, I saw posters that I and Nevills were to discuss the political issues at Scooba on a day appointed. Before the day arrived several men had told me that the democratic party were not pleased with that arrangement. I took Ellis aside and asked Ellis if such was the fact. He said he did not think the democratic party was responsible for anything that Nevills did.

Q. Is this Mr. Ellis the same man you spoke of before?—A. Yes, sir; Squire Ellis; that he thought it was premature on the part of Nevills to make that arrangement. I said, "I will not speak down there, notwithstanding it is published, if it is not satisfactory to the democratic party. I want you to understand by that, the men who run the democratic party."

Q. That is what you told Ellis?—A. That is what I told Ellis. He said to go on, and he supposed it would be all right. That was at De

Kalb. When I got to Scooba I heard men saying in the street that I should not speak.

Mr. MONEY. I object to such statements from hearsay.

Mr. TELLER. We have been admitting these things.

The WITNESS. I sent for Ellis and the president of the club, and I asked them what it meant by these reports going about that they were not going to let me speak, when they had invited me down there. I supposed that I was invited. I said, "Now I propose to give way; I don't want to have anything to do with this thing if it is not exactly in accordance with the feelings of the democratic party." They told me to go on; but they wanted it distinctly understood that they were not responsible as to what Nevills said about the democratic party or about the republican party; that the democratic party was not responsible for anything that Nevills might say or do. I said, "All right; that is immaterial with me, so far as any party is concerned." Well, I saw Squire Nevills about fixing the time and about the way we were to divide. He then informed me that they were going to have two democratic speeches before me and him could come in. There was a large crowd of negroes there that day; that he had to have the opening and closing speech. Well, we agreed to that; that it was all right. We were to commence at one o'clock, and the democratic speakers, as I understood from everybody in Scooba—general talk—were to speak in the club-room; but about eleven o'clock they came out and opened out, and called upon everybody. They entertained them with democratic eloquence and logic. That lasted until, I should suppose, three o'clock in the evening; it was a warm day, too; and then Squire Nevills spoke an hour, I believe—I am not positive as to that—after the hour agreed upon. I was to reply to him, and he to have fifteen minutes rejoinder. He spoke. Not a word was said by the freedmen in the way of interruption, who were standing there in the hot, broiling sun. I had not spoken more than fifteen minutes before I was interrupted. At this time they had got the democratic crowd thoroughly drunk; they were patriotic; they had patriotic whisky in them. They were thoroughly brought up to the point that I should not speak. I spoke about fifteen minutes, and they interrupted; said "it was a damn lie;" said that I could not speak there without I told the truth. I pointed my remarks then to the chairman of the democratic executive committee, and asked him if I was to speak. He said, "Yes, go on." I remarked then, "If I have got to tell the truth according to this ignorant rabble, what they consider to be the truth, I certainly shall not make a speech." Squire Ellis got up and asked them to be quiet and listen to my speaking. Of course they were not quiet; they interrupted me on divers and sundry times during my speech, but I spoke the time I was allowed to speak; at least that is what I understood.

Q. (By Mr. TELLER.) You got through the hour?—A. I got through the hour.

Q. Go on.—A. I was nominated in that canvass for Congress. I made that list of appointments and commenced to fill them. My first point of meeting was in the corner of Winston and Neshoba Counties, at a place called Platsbury. I filled that appointment, with nobody to interfere with me. The next was Louisville. I was met at Louisville by the State senator Mets. He asked me if I proposed to divide the time. I told him I had no objection to dividing the time, provided it suited the republicans who lived in the county; that I didn't propose to say as to whether I would divide the time or not; that I left it to the local republicans in the county. Judge Davis and two or

three other men were present at the time, and they remarked that they didn't want to divide the time; that they had not had any republican speaking, and that the democrats had had a good many meetings; that Colonel Money had spoken through the country, and they objected to dividing the time.

Q. Was Colonel Money the democratic candidate?—A. Yes, sir.

Q. For Congress?—A. Yes, sir. After consulting with him—after consulting with Mets—we agreed that we would divide the time. I stated to them frankly that I would not be permitted to speak without I would agree to divide the time.

Q. You would not be permitted by the democrats?—A. By the democratic party, unless I divided the time. Colonel Mets told me that he would try to protect me if I would divide the time.

Q. He was a democrat?—A. Yes, sir; and the inference that I drew from his remark was that he didn't propose to protect me if I didn't divide the time. I called Mets back and told him that the others advised—that others had agreed we would divide the time, and informed him to make the arrangements; that I preferred that he himself would speak. He said, "No, he would get Judge Bolling." He brought Judge Bolling there to the court-house at the appointed time that we were to meet there, and Bolling agreed as to how we were to speak. I was to open in an hour and a half, and he was to follow with an hour and a half, with my having fifteen minutes to rejoin. There was no disturbance at the meeting; there were a great many drunken men, but they did not interfere with me more than with Bolling; they bothered Bolling along, telling him what to say. I had no disturbance in any canvass from that time up to Grenada. I got to Grenada——

Q. State at what time you got to Grenada.—A. I got to Grenada on the 12th of October. I spoke at Grenada.

Q. Go on and state what occurred at Grenada, if there was any disturbance there.—A. Well, at Grenada, no one said anything to me about the division of time. I heard in the barber-shops and other places where they were talking that they intended to have me divide the time if I spoke there. There was a large crowd of freedmen there that day, and a large crowd of white men—a considerable crowd of white men. Judge Ware of Jackson was there.

Q. A democratic speaker?—A. No, sir; a republican speaker. I had invited him to be there. Judge Ware was willing for a division of the time with the democratic speakers, although they said nothing at all until we were up on the stand to speak. Nobody had said anything about division of time until it was time to speak. Captain Barksdale, they call him, asked William Price, who was chairman of the meeting, if he intended to divide the time with the democratic party there that day. Price told him that there had been no republican speaking there, and that the democrats had had a number of meetings, and that he (Price) was opposed to a division of time. And that Judge Ware from Jackson was there, and myself, being a candidate for Congress, would occupy all the time that day, but that Judge Ware would agree to meet him some other day to discuss political issues of the day, which was agreed to at that time. I spoke, I suppose, about an hour. I presume it was about an hour, although I don't know as to that—I think about an hour I spoke before I was interrupted particularly and especially. When I was hollered down, they were hollering "Indiana, Indiana, Indiana, Indiana." When I attempted to speak the democratic white men commenced to shout so that I could not speak.

Q. So you were compelled to quit, were you?—A. Yes, sir; I had to quit before I got through speaking.

By Mr. MONEY:

Q. That was at Grenada, was it?—A. Yes, sir; I went from Grenada to Red Cross, Leflore County.

By Senator TELLER:

Q. In your district?—A. In my district. I was met there by some gentleman who stated he had been an editor of a newspaper, who proposed to divide the time with me. I told him if he would have a quiet meeting that I was perfectly willing to divide the time with him—have his people to keep quiet, that I was willing to divide with him. I divided with him there, and I had no trouble, especially.

Q. Now when you get to places where you had no trouble, just simply state that you held a meeting without any disturbance?—A. I went from there to Greenwood; had no trouble; in every town in that county I had no trouble.

By Mr. MONEY:

Q. You mean, Senator, that he had better go over to the places where there was trouble.

The WITNESS. The next point was Carrollton, in Carroll County. I met Colonel Money, the candidate for Congress, at that place.

By Mr. TELLER:

Q. Did you have any trouble at that place?—A. I spoke there. I got through with my speech at that place.

Q. State what occurred, if there is anything.—A. There was a good deal of cursing; cursing me, and charging around. The only thing that I did see at Carrollton that particularly intimidated me—perhaps I am very easily intimidated—was the fact that a couple of young lads or fellows stood behind me who seemed to have their knives in their hands.

Q. What kind of knives did they have?—A. One of the blades was tolerably long in the knife. Before I went out to make my speech the hotel freedman that waited on me in my room——

Q. A colored man?—A. He was a colored man. He told me that there were some bad fellows there, and gave me the names of them. Before I commenced to make my speech, I asked some gentleman standing by me—I did not know anybody there—who the men were who seemed to be at my back. The same name that the freedman had told me was the name of one of these men—Fox; I think it was Fox. I made my speech there and went from there——

Q. Did Colonel Money make a speech at the same time?—A. Yes, sir; Colonel Money made a speech there. I went from there to Duck Hill. On Saturday there was a considerable crowd of white men and a right smart crowd of freedmen there. They seemed to be considerably excited there, going up and down the street, yelling and hollering, making considerably loud sounds, when we got in sight of the town, with their red shirts on.

Q. Were they armed?—A. They had their side-arms.

Q. What do you mean by that, pistols?—A. Pistols. A great many had them buckled on their sides. A good many of them were intoxicated, or appeared to be. The place was appointed to speak at. Colonel Money was to speak first. I spoke, and I suppose I had got about half way through my speech—I had been stopped half a dozen times during the speech——

Q. Just state how you had been stopped; by whom, whether democrats or not.—A. The democrats frequently stopped me by asking me some foolish questions, and then hollering. Colonel Money asked them

to stop and listen; he several times got up and requested them, when I spoke, to keep quiet. But they would holler; when I began to talk they would holler, hoot and yell, and make noises by slapping their mouths—some demoniac sound—and I quit.

Q. On account of the disturbance?—A. Yes, sir; on account of the disturbance.

Q. How was it when Colonel Money spoke; did they disturb him?—A. Colonel Money asked them to quit talking.

Q. Did they disturb him when he spoke?—A. Yes, sir; they seemed to be discussing some matter around him, and he asked them several times to quit.

Q. When he made his speech?—A. Yes, sir; they were talking when he was speaking himself, not talking in the same way as when I was, not making this demoniac sound and yelling, but they were talking loud. They did not seem to pay any attention to his speech. He asked them—one time he remarked that he would quit if they did not listen, and they quit. I went from there to Winona. I believe that is in the same county; in Montgomery County. In my room, on Monday morning, there came up several gentlemen to see me about a division of time. I told them that I was willing to divide the time, provided they would give me a chance to speak, but I had got very tired dividing the time to have the crowd hear them and then not permit me to get through with my speech. The mayor of that town—he said he was mayor—told me that he thought there could be order and quiet if I divided the time; that Dr. Ward—I believe that is his name—we agreed to that division of time. I had not spoken but fifteen minutes, I believe the man who kept the watch stated, before I was interrupted half a dozen times. I opened that day. Finally some fellow behind me—it was a little piece out from the house; we spoke out in the open air, as we could not get into the court-house on account of the crowd—a fellow behind me, a long-coated fellow, got his pistol out and swore that he "be damned; that I could not run that thing in Winona; that I told those things in other places, and no damned enemies could tell those things over here." I cannot remember all he told me, but he told me to keep quiet. I then picked up my papers and went into my room in the hotel. A number of gentlemen came up there and insisted upon my going back there and finishing my speech. Among them was this mayor. They were drinking, I thought. I finally told them that if they would put the boxes upon which we stood up close to the hotel, so that I could get my back against the house—that I wanted to see the fellow who would shoot me—that I would go on. In a laughing way, they agreed to do that, to put the boxes in that way.

Q. So that he would not shoot you in the back?—A. I was not afraid to be shot anywhere else, only in the back; and I went through with my speech at Winona; that is, the opening speech. Dr. Ward replied to me. I was to have half an hour to reply to him. Dr. Ward made his speech, and was not interfered with—interrupted by any one at all. It was a very abusive speech, which only democrats could make, and one which no man under ordinary circumstances, with a fair showing, could make in my hearing.

Q. You mean abusive of you?—A. Yes, sir; of me and of the republican party; the republican party from General Grant down to the constable; of me too personal, as I told him. I got up to reply to him, and I had not got through with my first sentence before I was halted by half a dozen men. "Stop! stop! We won't listen to any such God-damned lies!" "You are telling God-damned lies!" and "You've got to tell

the truth, or got to stop!" I asked Ward if he was going to permit those men to keep me from speaking. He got up and asked them to keep quiet and stop hollering and allow me to go on. Again I started, and I had not spoken more than two minutes before they just came right up to the stand and told me "I had got to keep quiet; that a man that talked that way about the democratic party, that we people here won't stand it; that I had just got to close that up." In a laughing way I said, "Hold, boys; I will keep quiet;" and I gathered up my papers and went into the house. Before I got there I was caught by some fellow—I had pulled my pistol out and took it in my hand when I left the stand—some fellow caught me by the left arm and pulled me around. I told them, "I am going to keep quiet and not speak any more, and I want you to let me alone." Tip Gamble caught hold of me and pulled me into my room and asked me not to go out any more.

Q. Was he a citizen of the place?—A. Yes, sir.

Q. A democrat?—A. No, sir; a republican. I believe that is the way he writes to me here.

Q. That ended that meeting, did it?—A. That ended that meeting.

I went from there to Kosciusko. I had a very quiet meeting at Kosciusko; some man from Alabama there I divided the time with. The two committees had agreed on a division of time, and we had no trouble.

Q. Then go on to where you did have trouble.—A. In Philadelphia, on my way home, I attempted to speak, but they would not let me speak because I would not agree to a division of time. The man who wanted me to divide the time with him talked in such a way about the local authorities that the republicans were not willing to have me speak with him. I was perfectly willing.

Q. Did you attempt to speak there?—A. Yes, sir; I attempted to speak, but only spoke about five minutes.

Q. State what occurred.—A. They just simply said that what I was stating was a damned lie.

Q. The crowd—the democrats?—A. The democratic part of them did. I was reading and commenting upon the last legislature, what they had done for the State, and then I was reading from a Texas paper, showing the condition of things there—showing that all was not quiet where there was democratic rule. Some man in the crowd, who was a member of the board of registrars, said that "was a God-damned lie;" that he had a brother in Texas, and that everything was quiet there and lovely. "Well," said I, "I am giving this from a newspaper which says that it is a democratic paper." I said, "I do not know whether it is or not, but this paper purports to be a democratic paper." He says, "By God, if I could not read anything better than that I had better quit." The sheriff remarked to me, "Go on." I started to go on, when some little fellow, a lawyer over there on the other side of me, he stopped me. I asked if they were not going to let me speak. He said, "By God, why don't you divide the time?" "Well," said I, "I don't have anything to do with the division of the time; I leave that with the republicans here. They had decided not to divide the time with you, and I did not have anything to do with that." I said, "If you don't propose to let me speak I will stop." He said, "If you speak the truth we will let you speak." I stopped.

Q. Was there any demonstration of arms or anything?—A. No, sir; no demonstration in the court-house.

Q. Did you quit because it appeared unsafe from the demonstrations made?—A. I did. I quit because I saw positively that they did not in-

tend to let me speak. While they made no attempts to murder or assassinate me, I could not speak two minutes without some fellow's saying it was "a damned lie; that is not so." And they were getting up and disputing what I said. My next appointment was Shuqualak, in Noxubee County, October 31. That was the time when I went up there to Scooba. It was on the railroad, a large-voting place, with a great many freedmen there. I got there early, about sun-up or a little after, and went to the hotel they had there. Mr. Gilmer went out into the town, and said he would see what was going on; that he would knock about in town there. He said he knew several parties there, and he would come back and tell how things were going on down there. I had heard—of course it was all hearsay—that I was not going to be permitted to speak at Shuqualak. It was all hearsay. Later in the day, Mr. McCaleeb, formerly from my county—an old citizen of my county—who has always been a personal friend of mine, came up to the hotel where I was in my room—I was reading, and there was another gentleman or two in there—and pulled me a little to one side; said he, "Judge, I am your friend personally, and don't you try to make a speech here to-day."

Q. Was he a democrat?—A. Yes, sir; he is a democrat. Says I, "McCaleeb, I have seen worse-looking places than this, where I spoke at." "Well," says he, "you understand that I understand the question here; I know the situation," he says. "Well," says I, "I will be governed by my friends." Says he, "I would advise you as one of your democratic friends not to speak here." He then took Franklin off. I saw him talking to Franklin. He told Franklin that if I attempted to speak there that day that it would be my last speech, for they would kill me.

Q. Who was Franklin; a friend of yours?—A. A political friend of mine from Neshoba County. He is a man who lives there. Franklin came back and reported to me, and told me what he said. I said, "Well, wait and see. I am not going to say anything." Mr. Kennon came in there, perhaps was in there at the time; he was from Macon. He said he thought the situation looked rather squally. Young Allgood, deputy sheriff of Noxubee County, asked me to wait until he could see or hear from his father. There came in a young fellow, I don't know who he was, with young Allgood, and he stated that the sheriff had telegraphed to do nothing until he could get there; that he was on his way down there from Macon. About this time, too, Tim Tyson, an old merchant, a very strong democrat—he has known me since I have been a boy; he is much older than I am; he was the old clerk of the circuit court in Kemper County for a long time—he came up to where I was, and asked to see me. He told me, "Don't you attempt to make a speech here to-day." I did not tell him I would not report his name, but he asked me not to say anything about it, that they might get mad at him. But that is neither here nor there; I have got to tell what occurred. He said, "If you do speak, they are determined to go for you." That is just his words. He did not say "kill me;" but "They are determined to go for you." "Well," said I, "who is it that is going to go for me?" He said, "There are a great many drunken men in town who could not be controlled. They were not the good citizens." That is just his words. "Well," said I, "I leave it to my political friends. If they say speak, I am going to try. I don't know what will be the result." He remarked, "If you do, you will think that I have given you very good advice, before you get through." He went on back to his place of business, and directly after him the sheriff came up to my

room, he and Judge Dillard, and said that they had disbanded the crowd—I think he is mayor of Macon—and told them to go home.

Q. Why had they done that?—A. Allgood told me that he saw no chance to have any speaking there without great probability of a riot, and that he did not propose to have my life sacrificed, and the freedmen, simply for the purpose of saying that we made a speech. I told him then that he had done what was right. I asked him then if he thought I could make a speech in Macon. He said he thought I could probably make a speech up in Macon. By his advice—he advised me to go through the country from Shuqualak to Macon by private conveyance. I hired a hack, and went to Macon the next day. There was a division of time agreed upon there between me and a man named Younger, from Louisiana.

Q. Did you make a speech there?—A. I spoke for an hour and a half.

Q. Did you get through?—A. No, sir; I was to have a half an hour for rejoinder to Younger; but, just about the time I was to speak, Mr. Rosenbaum, my old deputy sheriff, was there, a southern man, born in Kemper County. He spoke to me and told me that he thought the intention was not to let me rejoin to Younger. Says I, "Why, Charlie, have you heard anything?" "Yes," he said, "I have been stirring about in the crowd a little, and they say that they have got to endure this hour and a half, but they will go for you in the rejoinder."

Mr. MONEY. I object to that as evidence.

Mr. TELLER. This would be allowed—the reason why he did not make the speech.

The WITNESS. That put me on my guard directly. I received a letter from Gilmer asking me to come into the circuit clerk's office.

Q. Was he a political friend?—A. Yes, sir. I went in there; young Allgood was in there with him—the deputy sheriff. Mr. Gilmer said I must not attempt to rejoin to Younger. Mr. Gilmer said that he had heard some threats in the crowd; that they did not intend to let me rejoin. Young Allgood remarked to me, "I know these people, and I know the condition they are in. The groceries are all shut up, but they have got whisky somewhere, and are all drunk. You had better not make any speech; you had better not attempt to rejoin." I sent for Colonel Allgood, the sheriff. He came in there. He said he thought perhaps I could speak. His son took him off and talked with him. A little while after he came back, and said perhaps it was well enough for me not to attempt to speak.

Q. (By Mr. TELLER.) Did you attempt it?—A. No, sir; I did not.

Q. Because you believed these reports?—A. I believed these reports and the demonstrations.

Q. Did you have any further meeting?—A. Yes, sir; I had a meeting advertised at Scooba. Rosenbaum, that is this young man, went home that night, and he wrote me back word that I had better not come to Scooba at all. He thought I had better go through the country home; that he thought there would be a crowd of Alabama men there, and that it would be dangerous for me to go down on the train to Scooba. I got a conveyance to go through the country, and went through the country to my home in De Kalb. I got there on Friday evening, I suppose about an hour and a half of sun. That night about eleven o'clock—I suppose about ten or eleven o'clock—there came a crowd of men to my house, right in front of my gate. I suppose they were within about twenty paces of my house, and they had employed a band from Gainesville, Alabama—I don't know that of my

personal knowledge. They played there, and shot their cannons off, and small-arms, and cursed, and asked me to come out. That was Friday night. My appointment was in De Kalb the next day to speak. That is where I live. They returned back again about one o'clock that night, and went through the same demonstration. The next morning there came in a good many of my white friends of the county—there is a right smart republican vote there—a good many of my white friends came in to see me; I not being in town, they came up to my house the next morning. It was tolerably early. I suppose it was ten o'clock when I got a communication from Swanzey, and J. W. Gully, and some other name, I forget the other name. They signed themselves officially, by authority of the democratic executive committee there. I got this from the hands of a gentleman by the name of A. G. Vincent. He presented it to me. I read it and remarked to him, says I, "Mr. Vincent, do you think I could make a speech here to-day?" He said he did not think I could, or perhaps I could, I don't know how it was. I said, "I understand from a hundred different sources that they will not let me speak." Says I, "I won't answer this note." He says, "Why not?" Says I, "This carries a lie on its face. It sets out by stating that it is a democratic meeting, when you know that such is not the fact; that it is a republican meeting, and that the democratic meeting was held here on yesterday, that is by appointment." He said that he had forgot about that. Says I, "I will not attempt to speak unless I am satisfied that I will not be interfered with." Says I, "I am not afraid under ordinary circumstances of anybody interfering with me, but when you have got such a crowd of two hundred to three hundred men, I am afraid of what they may do." Well, he went off, and I never saw him any more then. A few minutes after that the crowd came around again with their cannons and their band, passing my house. They did not shoot when they passed my house the first time, until they passed the gate, but they cursed me very extravagantly. When they passed the gate a little they fired a volley of small-arms, it seemed to be in the air over the house. They went around by the grocery and took on some more whisky, I suppose, and then came back and fired all along by the side of my house, cursing me terribly, and calling, "Come out, by God; God damn you, what are you in your hole for?" &c. Well, about the third time, or perhaps about the fourth or fifth, they fired into my house. They turned their pistols in the direction, and the shots struck my house—the balls did, as they fired.

Q. The pistol-balls?—A. Yes, sir. Since that time I had a conversation with this same man who brought me this message, Mr. Vincent. He says that my proposition was right; that he did not think I would have been permitted to speak, but that there was a probability that I would have been murdered if I had attempted it.

Q. So you made no effort to speak?—A. I did not make any effort to speak, and there was no republican speeches.

Q. You made no effort to speak down at that place?—A. No, sir; that was the Saturday before the election; the election was to be held Tuesday. I did not go out of my house at all on Tuesday. They held the election, or what they said was an election.

Q. You did not attend?—A. About one o'clock on Tuesday a gentleman came up to my house—one of the registrars came up to my house, and said to me that he was on his way to old man William Allis's, for his vote, and that he thought I ought to send my vote up too. I laughed, and told him that it was an unusual way to vote by proxy, but if that was the democratic order, I suppose that I would

do it. I gave in my vote. I handed it to him, and he went down for Allis, and said he was going after Dave Roberts, who lived about a mile farther. I asked him what authority they had to vote by proxy. He said that was the order of the party. I told him that was all right; then go ahead. I did not go out at all.

Q. Of course they did not receive those votes?—A. They say they did.

Q. They say they did receive them?—A. That is what they told me. They did vote them, and their names are marked voted on the books. I don't know what they did. That night about dark somebody brought me a list of the votes at that box, just so many votes for Hayes, and for Chisolm, and so on. The next morning I knew there would not be so great a crowd in town, and I had no fear. I went out tolerably soon to my office and called Mr. A. B. Overstreet over the street to my office. He remarked to me when he got into my office that "there was no fire in the office; let us go into your store." I asked him, showing him the paper that was in my hand, if that was the vote as polled at the De Kalb box. He said it was. I asked if Squire Brain was in town. He said he did not know whether he was or not. Says I, "As soon as he comes there, Overstreet, will you swear that is the vote polled here?" He said he would. He said, "What do you want to know that for?" "Well," says I, "nothing at all; it don't make any difference; but there were four men came to me this morning and requested me to get you to make that affidavit." He said, "What was that for?" I said, "I supposed, perhaps, that they thought the vote was not that way; that I did not know." He went off, however, but returned directly, and said he had seen McCaughey, who was another one of the registrars, and he said to him that the vote was not correct as handed me last night; that there had been a good many scratched tickets which they had overlooked; and Mr. Overstreet would not make the affidavit. "Well," says I, "that will be all right." Says he, "There were six tickets with Money's name scratched off, and some tickets which had my name scratched off—some democratic tickets." I told him it did not make any difference; that I wanted to get it for these men; and that was what I was after. I was anxious to call Overstreet's attention to it, as he said it was all correct, and that he would make an affidavit that he himself looked at the votes; I told him, of course, I supposed it was all right.

WASHINGTON, D. C., *February* 14, 1877.

WILLIAM W. CHISOLM. Examination continued.

By Mr. TELLER:

Q. Is there anything further that you wish to say to the committee with reference to the matter upon which you were testifying when we adjourned yesterday? If so, go on and state it.—A. Nothing further that I know of with reference to the day of the election.

Q. If there is any personal statement that you wish to make, you can make it now.—A. Mr. Gilmer was asked some questions about some one, two, and three per cent. tax items collected by me when I was sheriff. I would like to make some explanation with regard to that.

Q. Proceed.—A. There was a tax levied in 1869 by the board of supervisors of that county for county purposes—levied upon land, upon the acres of land: one cent upon land given in at such a price, two cents upon

land given in at such another price, and three cents upon land given in at the highest price.

Q. Per acre?—A. Per acre. The tax-books were turned over to me, or, rather, to my brother, (I was doing the collecting and was running the office; it was before my disabilities were removed,) and a number of gentlemen asked me what I thought about the legality of the levy. I told them it was not my business to decide any legal questions; it was simply a matter for them to enjoin the sheriff about, or else to pay the tax; that the board of supervisors left no discretion with me. I had to collect the tax or else I had to be enjoined. A majority of the landholders of the county enjoined the sheriff from collecting the tax. Some paid the one, two, or three per cent. tax rather than enjoin. That tax was paid over to the county treasurer, and I got his receipt for it. I never heard any man make any complaint about it except Squire Mills, who was a kind of crazy man down there. He paid the tax, and then commenced a lawsuit against me for not paying it back to him. It was my duty under the law to pay it to the county treasurer.

Q. Did you pay it to the county treasurer?—A. I did. I paid it to the county treasurer. Mr. Mills commenced suit against the treasurer, and the circuit and superior courts both decided that I had done right in the premises. There is no other personal matter particularly that I want to speak about except the matter of a pamphlet that was submitted in Mr. Gilmer's testimony and a letter in reply to that pamphlet was submitted in his testimony. That letter I should like to have included in my testimony also. All that I have got to say further is this, that my answer in the paper submitted with Mr. Gilmer's testimony was correct. I have nothing further to say only what I said on the stump in the State, that anybody that said that it was not correct, either the man that published it, or any other man that made the statement that it was not correct, was lying. That is all I have to say on that subject. The fraudulent warrants referred to by Mr. Welsh I wish to make a reference to. Mr. Welsh is the man that makes the charges against me in this pamphlet. He issued about two thousand dollars of warrants while he was probate clerk (not chancery clerk; it was then probate clerk) in that county without authority of law. His attention was called to the fact by the chancery clerk in my presence to show the orders of the board of supervisors for issuing warrants; and he looked over the records and went out without saying anything at all. My attention was called to it as an officer of the court to examine the records of the court and see if I could find any orders of the board of supervisors for issuing those warrants. I examined them carefully with S. D. Chamberlain, a young lawyer there, and we failed to find any orders of the board of supervisors for the issuing of the warrants.

By Mr. MONEY, (representing Mr Kernan:)

Q. You are the W. W. Chisolm who was the republican candidate for Congress in the third Mississippi district?—A. Yes.

Q. You are the W. W. Chisolm who was expelled from a Masonic lodge at Center Ridge, Kemper County, Mississippi?—A. Yes.

Q. There was submitted in evidence the certificate of W. H. Foote, judge of the circuit court of that county; Thomas H. Woods, the district attorney; W. B. Lockett, the foreman of the grand jury, that one W. W. Chisolm was indicted for perjury and forgery in the circuit court in 1868. I believe you are that man, are you?—A. I do not know whether I am or not. Nobody ever presented any indictment against me.

Q. Is there any other W. W. Chisolm there?—A. None other.

Q. You were a secessionist?—A. I voted for secession.

Q. Were you ever in the army in active service?—A. No.

Q. You were a conscript officer?—A. I acted with the conscript board in my town, as I stated yesterday.

By Mr. TELLER:

Q. Do you desire to make any explanation with regard to this indictment?—A. Yes, sir; I do.

Q. Proceed.—A. In 1867, a large number of persons in my county were swearing to their loyalty and making application for lost goods, goods destroyed by Sherman's army that came through there. The most of those affidavits and applications were made before me. Among them was the affidavit referred to by Colonel Money, and I had nothing to do with it either one way or another, and no interest in the matter whatever, except to swear the parties. (Whether they swore the truth or not I had nothing to do with.) They were sworn to their loyalty in making application to get back some property destroyed by Sherman's army. The papers were left in the office for the certificate of the probate clerk at that time, I being probate judge.

Q. What about this indictment? Mr. Money asked you whether you were the man or not.—A. Of course, we all know a grand jury is a secret body, and I know nothing about what the grand jury did; but I learned from several gentlemen that Mr. Welch had been before the grand jury to indict me. There was then getting up in that county considerable feeling against me because I had taken part in trying to carry the county, and did carry the county, for the constitution.

Q. For republican measures?—A. For republican measures. I paid no attention to it particularly. In the fall of 1868 I learned from the papers submitted here (not that any gentleman told me) and from rumor in De Kalb that there was an indictment found against me. That was directly after the heated canvass in that county between myself and the opposition party for the governor and State officers running on the republican ticket.

Q. Have you lived in that county since?—A. Ever since then. I never was out of the county more than six months at a time in my life.

Q. Have you ever been arrested about that matter?—A. No man has ever spoken to me about arresting me upon that charge or any other charge.

Q. Have you ever been called before the court?—A. Never. There has never been a charge preferred against me in that county upon which I was ever arrested except one here a little while ago—a minor offense—and the district attorney had it *nol. prossed.*

Q. It had no connection with this matter?—A. None in the world. I was in the county when the court was in session, and was in the county at the adjournment of the court, and have been in the county all the time.

Q. And still reside in the county?—A. Yes.

Q. Is there anything further you wish to say about it?—A. Nothing further.

By Mr. MONEY:

Q. Did you write that letter? [Handing a paper to the witness.]—A. [After looking.] No, sir; I did not write it.

Q. Is that your composition?—A. I do not know that it is.

Q. Read it, please, and then answer the question. I will ask you first is this your signature to it?—A. Well, sir, some time during the canvass over in Le Flore County, I believe——

Q. Let me have a categorical answer to the question first, and you can explain it afterward as much as you please. I wish to know if you wrote this letter and if this is your signature?—A. I do not think I wrote it; I know I did not write it.

Q. I did not mean the mere manual labor of writing; but is it a copy of one you wrote?—A. I never wrote either; I never wrote any at all.

Mr. TELLER. (To Mr. Money.) What did you mean to ask him; whether that is his signature or not?

Mr. MONEY. That is one thing.

The WITNESS. (Looking at it.) That looks very much like it, with pencil.

Mr. MONEY. You can read the letter. I would rather you would read it first and then say if you wrote it.

A. I know I did not write it.

By Mr. MONEY:

Q. Nor have it written?—A. I know I did not write that letter or have it written.

Q. Is it a copy then?—A. I do not know that it is, sir.

Q. Did you publish that?—A. I say that that signature looks very much like my handwriting, at the bottom.

Mr. TELLER. What is it?

Mr. MONEY. It is a defense that he made against those charges, and which he sent to the papers for publication.

The WITNESS. No, sir; I did not do any such thing.

By Mr. MONEY:

Q. You did not?—A. No, sir.

Q. Did you write it for publication?—A. No, sir; I did not write it for publication. I stated at the time that I could not write a publication until I could get a certificate from the chancery clerk that I could not make my defense until I got that, but that these charges had not been brought against me until I left home, and that I failed to get the proper papers to make the defense.

Mr. TELLER. Was that published in the paper?

Mr. MONEY. Not all of it.

Mr. TELLER. Was any part of it published?

Mr. MONEY. In substance it was, except one particular part that was left out, which I propose to introduce here in this record. I merely wish to put a part in which is in rebuttal of the statement made by this witness that he was forced to resign his office. That is his signature to the copy of the letter he wrote.

The WITNESS. I do not know that that is a copy. I have no evidence of it.

Q. (By Mr. TELLER.) Was that statement contained in the letter?—A. No, sir; I published no letter.

Mr. TELLER. If the witness states that he did not publish any letter and did not write it, I do not think you are entitled to put it in.

The WITNESS. I state, in fact, that I did not write it.

Q. (By Mr. MONEY.) Did you write anything of this kind?—A. No, sir; nor did I dictate it.

Q. Will you state positively, on your oath, that this is not your signature?—A. I state, sir, that I think it is my signature.

Q. Did I not read just that very thing, in substance, at Duck Hill, in your presence?—A. Did I not tell you that that was not my reply to these charges?

Q. Did you deny that you had written it?—A. Did not I tell you that that was not my reply to these charges?

Q. You are on the stand now, not I. Did I not read that very part to you?—A. You did.

Q. Did you not dictate, or cause to be written, or write this that I shall read? I do not say that you published it.

Welch lies to deceive the public when he says I resigned to prevent exposure, &c., and at his demand. The cowardly assassin never opened his dirty mouth to me about resigning from office. I was paid in money every dollar to the full amount of warrants I was entitled to receive from the county for my services as probate judge to the time the office would expire by law. I will always make that kind of a trade, especially when the warrants were only worth twenty-five cents on the dollar. Welch's friends paid me the money, thinking at the time Welch would get one of the crowd in office, so as to steal out of estates then in progress of being passed on by the court.

A. I did not write it.

Q. Did you not procure it to be written?—A. I did not

Q. Did you dictate it?—A. No, sir.

Mr. MONEY. I will ask to have subpœnaed some witnesses who will prove the signature.

The WITNESS. I acknowledge the signature. I state that I think that is my signature.

By Mr. TELLER:

Q. Is there any explanation you want to make about it?—A. Yes, sir; in my speech at Greenwood, I stated about this way: In speaking of this fellow Welsh and his crowd that was hounding after me after I had left home—I was nominated about a month before I left home, and not a word was breathed about me until I had gone away, and Colonel Money went and got some *ante-bellum* papers, thinking they would keep me out of the canvass. I had to come back home and get papers to reply to that. The charges had all been once answered to Governor Alcorn. Welsh's friends said to me that I ought to resign my office; that I was elected by the white people, and that I took sides with the negroes, and that I ought to resign my office, and insisted on my resigning my office. I stated to them that I did not propose to resign my office. I had been elected for a certain period, and that I was ready to perform the services, and, as any other man who had been hired to do labor, I was entitled to my wages. They came back to me and told me that if I would recommend Mr. Gulley for the probate judge's place they would make my wages good if I would resign. I would not state to them what I would do on that subject at all. I wrote to General Ord, who was then commanding the district, and asked him if he would appoint Judge John McRea, of my town, upon my recommendation. He answered me that he would. They returned back to me, and I told them, "You are making a great fuss about my imposing upon the people—about my being a radical, and about the democrats electing me. Now, if you will make good the salary due me up to the time I was elected by the people—I have not failed to do any of the duties of the office—I am perfectly willing to get out of your way." I said that in a speech. They agreed to do it. I then asked General Ord to appoint John McRea, and he did. They then refused to hold court with John McRea, and did not hold the first court at all—did not come into the court with him.

Q. Was he a southern man?—A. Yes, sir; born and raised in Kemper County, but a young man at that time. He is dead now. I wrote to General Ord about it, and they got wind of it, and they sent him a note that they would not hold court with him, because he was a republican. That is the substance of what I stated in my Greenwood speech.

SAMUEL M. SHELTON recalled (at his own request.)

The WITNESS. I desire, if the committee please, to make some little explanation as to a few points in my testimony yesterday. I do not remember whether I was asked if there were any military organizations in my county. Whether I was asked the question or not, however, I desire to say that when Governor Ames called for the militia in my county, the white citizens organized companies for the purpose of being tendered to Governor Ames as militia. They found that the colored people were being organized into militia companies, and they wanted to organize themselves. I received from Jackson a muster-list for the purpose of organizing a company at Raymond; but when I got the company organized, the militia was disbanded, and the whole thing dropped; that was the end of all the military organization that I knew of in Hinds County.

By Mr. TELLER:

Question. When did Governor Ames call for troops?—Answer. He called for the militia—that was after the Clinton riot.

Q. That riot was on the 4th of September, was it?—A. Yes.

Q. Did he make the call as governor of the State?—A. The militia were ordered out. I do not know exactly in what form the order came.

Q. Then you simply did this to respond to the call of the governor?—A. That was the idea of the citizens, so far as I understood it.

Q. For what purpose did he want the militia?—A. For preserving the peace in the State, as he said.

Q. When did you commence that movement of raising troops?—A. I could not tell you exactly, but it was between the Clinton riot and the November election.

Q. Up to that time had you not military organizations in the county?—A. None up to that time.

Q. Had you purchased any arms?—A. I did not. I think, perhaps, arms had been purchased in the county immediately after the Clinton riot.

Q. Is it not a fact that a large quantity of arms had been shipped to that county before that time?—A. Not that I know of. As I stated yesterday, the purchases were made by individuals. I purchased none.

Q. You proceeded, however, to organize military companies?—A. Yes.

Q. How many?—A. One at Raymond, and, I think, one at Utica. Perhaps one at one or two other points.

Q. Were they organized in accordance with the militia law of the State of Mississippi?—A. They were simply brought in——

Q. You are a lawyer, and know whether they organized in accordance with the law or not. That is all that I am asking you.—A. I understand they were. The members of the company designated whom they wanted for officers.

Q. Were those parties ever commissioned by the governor?—A. I do not think there was more than one or two companies organized at all. As soon as the militia was disbanded, it ended.

Q. The governor never called upon them to act, did he?—A. No. As soon as I received the muster-list——

Q. From whom did you receive that muster-list?—A. From Frank Johnson, of Jackson.

Q. Was he a member of the governor's staff, or did he hold any similar position?—A. No, sir. He is a practicing attorney at Jackson.

Q. Does he hold any office there?—A. None in the world.

Q. He is a democrat?—A. Yes. He told me, however, that he got it at the proper office for issuing these muster-lists.

Q. Did you fill out that list?—A. No; the militia movement ceased before I got the thing fixed.

Q. These people were armed, were they not?—A. No, sir.

Q. Were none of them armed?—A. They had their guns, and such things as that; but they were never out, never drilled, or anything of that kind. It was simply a meeting of the citizens, in which they agreed who they would have for officers, and tendering their services to the governor.

Q. On the 6th of September you were not yourself willing to recognize Governor Ames as governor at all, were you?—A. I explained that in my testimony yesterday.

Q. Well, but that is the fact, is it not?—A. No, sir.

Q. You stated in your telegram so.—A. I stated we would not recognize the Ames government, because they offered us no protection at all.

Q. You did not state that in the telegram?—A. No; but you asked me to explain it yesterday.

Q. You telegraphed to General George, the chairman of the democratic State central committee, that you would not recognize the Ames government?—A. "That we do not," I think, was the expression.

Q. But that you would not get into any conflict with the General Government?—A. Yes; that is in the telegram.

Q. How much later was it after that that you were anxious to be enrolled as an addition to Governor Ames's militia?—A. I think two or three weeks. I stated my reason—because we found that the colored people were being organized and getting arms, and we found that it was our duty to do the same thing.

Q. How were they being organized by Governor Ames?—A. By officers appointed by Ames.

Q. They were being organized under the regular militia laws of the State?—A. Yes; so we thought; and there were perhaps one or two white companies mustered in, and these others were prepared and tendered to the governor for organization, under the advice of the chairman of the executive committee at Jackson.

Q. All your business was really transacted with General George, and not with the executive of the State. Is not that so? He was the man to whom you telegraphed when you had any disturbance?—A. We considered him as our counsel and adviser, who communicated with the government. I was one of the committee that went and waited on the governor——

Q. He was a sort of a democratic acting governor?—A. No, sir; he was simply acting as our adviser and counsel.

Mr. TELLER. I should imagine, from the character and the number of the communications sent to him from all parts of the State, that he was running the State government.

The WITNESS. No, sir; it was simply in consultation that we sent him those dispatches; simply for Governor Ames. I desire to explain, also, that I believe I stated yesterday that the registered white vote, as I understood, it in 1875 was twenty-five hundred; but, on reflection, I remember that I was told by the sheriff of the county that it was a little over twenty-eight hundred in that year.

Q. In Hinds County?—A. Yes. I stated yesterday, I think, that the whole registered vote of 1876 was about seven thousand, as I thought.

I don't know what was the registered vote in 1875. I confine my statement to 1876 as to the number of the registered vote.

Q. Is there anything further you wish to say?—A. No, sir.

HENRY R. SMITH sworn and examined.

By Mr. TELLER:

Question. Where do you reside?—Answer. At Canton, Madison County, Mississippi.

Q. How long have you lived there?—A. Since October, 1868.

Q. What State were you from?—A. New York State, although I had been living in Mississippi and Louisiana for four years previous to taking up my residence in Canton.

Q. What business were you engaged in during your residence in Canton?—A. Merchandising and planting. I had been engaged in merchandising and planting before that in Louisiana and up on the Mississippi River.

Q. Do you hold any office under the Government now?—A. Yes.

Q. What?—A. Postmaster.

Q. At what place?—A. Canton, Mississippi; and have done so for the past four years.

Q. Did you take any part in the campaign of 1875 in Canton, Mississippi?—A. Yes; I was chairman of the republican executive committee of Madison County; have been such for the past three years.

Q. Give a history of the campaign in that county, or in any other county with which you are familiar, for 1875. Make it brief and pointed.—A. I do not think there was any disturbance in Madison County in 1875. The parties were organized and the canvass made as usual in 1875, until some time in October. The two parties in that county entered into a compromise. There was one ticket for county officers in that county and there were separate tickets for State officers to be elected and for members of Congress.

Q. State why the compromise was made, if there was any reason for it.—A. There had been a good deal of excitement in other portions of the State, and our people were much excited, especially the colored people, about this trouble in the other portions of the State. They had come to us and asked for troops, and they were fearful there would be trouble, a riot or bloodshed, such troubles as were taking place in other portions of the State.

Q. State what occurred after the compromise was made. Was everything quiet?—A. Yes.

Q. If there was any reason why they were forced into a compromise you may state that; otherwise, it does not make any difference.—A. I will tell you how the compromise was brought about, so far as I know about it. I was called upon one morning by the sheriff of the county, who asked me to come to the court-house——

Q. Were you a member of the republican committee at that time?—A. I was chairman at that time of the county committee. He told me that he had been waited on previous to my coming there by several gentlemen connected with the democratic party, who had said that they had learned that a proposition for a compromise of the ticket had been made by a republican to a democrat of that county, and he wanted to know what I thought of it. I told him at first that I was opposed to it, that I did not believe in it, but I said I would do this: said I, "We can consult together." He said, "Something must be done at once;" that the democrats that day were going to have a meeting from all the clubs of the county at Canton, and that if we were going to do anything

we must do it that day or to-morrow. After leaving him we talked with other members of the party, and it was agreed that we should call a meeting of the executive committee and other members of the party and agree what should be done. That meeting was called, and held the following day. The views of the different members of the committee were submitted and remarks were made by leading republicans, and it was deemed advisable under the circumstances to enter into the compromise.

Q. I want to know what the circumstances were.—A. The circumstances were that there was a great deal of excitement in other portions of the State and they were fearful that those rows that were taking place elsewhere would be brought on in our county if the excitement was to continue.

Q. Had there been any trouble in your county?—A. No; thus far there had been no outbreak, but there was a great deal of excitement pervading the minds of all the people, colored as well as others.

Q. That compromise was carried out?—A. Yes.

Q. And the election was conducted quietly?—A. Yes.

Q. Was the compromise ticket elected?—A. O, yes.

Q. What was this compromise ticket composed of—persons of both parties?—A. The county officers—the sheriff, the chancery clerk, the circuit clerk, the county treasurer, and the coroner and ranger were republicans.

Q. What is the ranger?—A. He takes up stray stock. The cotton-weigher was a democrat; two members of the board of supervisors (there were five in the county) were democrats, and three were republicans. The justices of the peace were equally divided between the democrats and republicans—that is, there were two elected from each supervisor's beat in the county—one was to be a democrat and the other to be a republican, each to be selected by the several parties.

Q. As to the members of the legislature, how was it?—A. The senator was republican. One representative was republican, and two representatives were democrats. That was really the main compromise of the case, except that the democrats insisted that the candidate for sheriff on the republican ticket should be taken off and the old republican's name substituted in his stead. He had been in office for a number of years, and made a very popular officer, and gave general satisfaction; and they were anxious to have been renominated.

Q. What had been the politics of Madison County previous to this time?—A. I can give you the vote for a number of years.

Q. Have you got the registration?—A. Yes. [Looking at a memorandum.]

In 1871 the republican vote of Madison County was	2,790
The democratic vote at the same time was	1,030
Republican majority	1,760
In 1872 (at the presidential election) the vote for the republican candidate was	2,512
The democratic vote at the same time was	765
Republican majority	1,747
In 1873 the vote for governor was, Ames, republican	2,323
Alcorn, democrat	401
Republican majority	1,922

That year there was no opposition run by the democrats to the county officers.

Q. The democrats ran no ticket?—A. No; they ran no ticket in opposition to our county ticket in that county. In 1875 there was a separate State ticket run, as well as a ticket for member of Congress. That was the year in which the compromise ticket was run. In that year the figures were as follows:

The republican State ticket received	2,587
The democratic State ticket received	1,488
A republican majority of	1,099
For Congress, Jason Niles, republican, received	2,481
For Congress, O. R. Singleton, democrat, received	1,583
Republican majority of	898

The candidate for Congress on the democratic ticket received about 200 more votes than the average vote of the democratic ticket.

The registration of Madison County from 1871 to 1876 has been, of the whites, an average of from one thousand to fifteen hundred, and of the blacks, from thirty-five hundred to four thousand. I do not think that there are really as many voters belonging to either party in the county as the highest number given in those figures, because many people go there for duplicate registration-certificates, having lost their first registration-papers. The registration for 1876 was, whites, about fourteen hundred; blacks, about nineteen hundred.

Q. Is that a new registration?—A. Yes.

Q. Is that a full registration of the blacks?—A. No, sir.

Q. Were there any reasons why the blacks who failed to register were not registered?—A. When the board of registration held their first meetings, they visited the different election districts or precincts of the county, and spent one or two days at each. At this time, for some reason or other, they did not understand that it was necessary to procure registration-papers.

Q. Who did not, the voters?—A. The blacks. In fact some of the republicans there in Canton had advised them that it was not necessary, and that they need not do it. I was north at the time, and I heard that they were advising them not to register, and I wrote them and urged every one to register, to be particular in instructing all to register, and to be prepared to vote at the coming election; that there was no reason why they could not register; that it was their duty to do so, and to prepare themselves to be in a position to vote. After finishing registration at the different precincts in Canton, the blacks had a very small majority, I think less than a hundred. The books were then to be opened at the court-house for five days during the week preceding the election. We made a special effort and got a great many to come in to be registered at that time, but owing to the course pursued by the registrars and others, in asking them questions, a great many were prevented from registering.

Q. What was the nature of the questions asked?—A. They were asked to give the township, range, and section in which they resided, and a great many would go down-stairs to the chancery clerk's office and get furnished with a card showing the township, range, and section, and on bringing it up would present it to the registrar, and they would not allow them to register.

Q. Why?—A. Because they would tell them to go and point it out on the map, and if they could not do it they would not let them register.

Q. Was this a democratic board?—A. There were two democrats and one republican on the board, but I will say for the board that I do not think they were allowed to have their own way about it. I think they were influenced by other people who came there and asked the questions.

Q. But the board allowed those questions to be put, did they, by other parties?—A. Yes.

Q. And then they decided that the parties could not be registered?—A. Yes; they would not allow them to register. Captain Pratt, the senator from that district, who was a lawyer, (I guess it was the first day,) heard a great many complaining that they could not register, and were going home.

Q. Was he a republican?—A. Yes; he went there, and the complaint was also made to Mr. Singleton's son that the democrats up there were not acting fairly in this matter of registration; that they were asking questions which the law did not prescribe; that a great many were not being registered for that reason, and Captain Pratt went up-stairs then and made some remarks to the board, and to those gentlemen present, that they were acting contrary to the law; that there was no law compelling voters to be asked such questions as that, and that it was wrong. They then agreed to submit it to two lawyers to be chosen, for their decision what questions should be asked, and the agreement that was made was that if the voter could designate the precinct in which he lived, the voting-precinct, and the portion of the county in which he resided, he would be allowed to register.

Q. Were there any large number of voters deterred from registering by this proceeding?—A. Yes, sir; there would have been several hundred more registered but for that.

Q. What was the character of the campaign in that county in 1876?—A. There was not much of a campaign by the republicans. We attempted to hold a meeting, but that was broken up; and after that we gave up the idea of holding meetings.

Q. Where was that?—A. At Canton.

Q. State what occurred there.—A. I cannot give you the date of the meeting, but the appointment was made by the executive committee of the State, at Jackson. They sent General McKee to Canton to speak. It was on a Saturday, during the month of October; I do not know what date. It was during the session of the circuit court, and we had to wait until the court took a recess before we could hold the meeting. We wanted to hold it in the court-house, or on the steps of the court-house, and we waited until about half past two, having to send parties to see the judge. He said that he would take a recess of the court, or give us an hour, but that he would not agree to do more than that. It was the last day of court, and the court was crowded with business, and he was anxious to finish up that day, consequently he said the court would not take a recess for more than an hour. When we went over to the court-house—I went there with General McKee and other republicans—we went into the chancery clerk's office, and remained a few moments, and while there a number of democrats waited on us, and asked for a division of time. I told them that I would submit the question to General McKee, who was to be the speaker, and if he was willing I was. He said, on my mentioning the matter to him, that he would not agree to a division of time, because we were to be restricted to one hour. It would take him fully one hour to make his own speech; but that if they wanted to reply to his speech after he had spoken, they would be welcome to do so. I also told them that after General McKee

finished his speech, if they wanted to reply to it I would do all in my power to keep the crowd there; that I would ask the republicans to remain and listen to any speech that might be made in reply to General McKee, but that I could not consent to a division of time; that that was the first meeting we had had; and that we had not asked them for a division of time at their meetings, and we only had an hour in which to deliver all that was to be said on our side, and I did not care to divide that time with them. We went out onto the steps, and I introduced General McKee, and he commenced speaking. He first said that this was his first appearance in Madison County for some seven or eight years, and that at that time the republicans were in full power in that county, and the party was well organized; and, said he, "The party at this time is well organized, and prepared to go forward to victory this fall."

Q. You need not go through in detail what he said. State what occurred.—A. General McKee had been speaking in that way for a few minutes, when some one in the audience said, "Tell us something about the radical stealing." General McKee said, "I am glad you mentioned stealing, and I will tell you something about democratic stealing." Then he went on to say that under the administration of the democratic party previous to the war, several millions of dollars had been stolen by democratic officials—money that had belonged to the school-fund, or derived from the sale of school-lands. Before he had finished his remarks about this, somebody in the crowd, I think it was Mr. Devine, in fact I know it was Mr. Devine, called him a liar or said, "That is a lie." At that, General McKee looked at him and said, "You son of a bitch, come up here and call me a liar." As he said that, Devine, who was directly in front of him, some thirty feet, I presume, started toward him, and McKee turned around and stepped back to a large pillar and got his cane in his hand; (he had a cane there.) Then he stood facing Devine and waited for him to come. At that time the people commenced rushing, and a man came from behind the post, or steps, or platform—it is the top of the steps really, leading to the court-house—and shoved or crowded General McKee off the platform. Before he fell, though, Mr. Devine started to come toward him, and was in the act of drawing his pistol, when McKee said, "Don't shoot in this crowd," as he fell from the stand——

Q. Fell by reason of the push, you mean, from the rear?—A. Yes, by reason of the push or by reason of being crowded off—he was pushed, I think, for I was 10 feet in the rear, and saw the whole thing. Devine advanced upon him from one direction, the front, and another gentleman, named Wethersby, advanced upon him from another direction. Just as he spoke, this gentleman, Wethersby, struck him on the head with a heavy cane which he was carrying, and after that General McKee was removed to the sheriff's office in the court-house in an insensible condition.

Q. That broke up the meeting?—A. Yes, sir; the meeting dispersed.

Q. Was there any other meeting after that in the county?—A. None by the republicans.

Q. Was there any further disturbance that night?—A. After our meeting was broken up, the great majority of the people remained there, white and colored. The leading white republicans left the ground to look after General McKee, but the colored people, in a great measure, remained there, and the white people as well. Mr. Lockett addressed them, and a colored man named Phil. Sanders also addressed them.

Q. Those were democrats?—A. Yes, sir. That night General McKee

was removed to Captain Pratt's room, after leaving the sheriff's office. Captain Pratt's room is directly over the post-office, and in the same building. He was attended by a physician. Between the hours of 10 and 11 that night we heard a noise, as though brickbats were being thrown up on the wooden awning in the front and on the side of the building, and we could hear them rolling off. They were not thrown against the house, but thrown on the awning and allowed to roll down. I remarked to a gentleman present that I would not pay any attention to the matter, as it was some of the boys from down town, probably, and that if anybody were to go outside they might injure us, and I would pay no attention to it. About half an hour after that there were five shots fired, three of which came into the room.

Q. Where you were?—A. At that time I was down-stairs in the post-office.

Q. Was General McKee in the room?—A. General McKee was in the room, and Captain Pratt was in the room; and Mark Joseph and R. A. Walker. They were sitting around the stove, except General McKee, who was in the bed.

Q. How did these balls come into the room; through the window or through the side of the building?—A. Through the side of the building. One of them struck an iron safe and the ball split in two, and a piece struck Mark Joseph in the side of the cheek and another piece in the back.

Q. Did it hurt him much?—A. It caused the blood to flow some, but it was not any serious injury. If any of the balls had struck him with full force, they would have gone through.

Q. They would have killed him?—A. Yes; they were fired from rifles, I presume; they were good, large-sized balls.

Q. This was at what time of night?—A. Between eleven and twelve. We were sitting up preparatory to taking General George C. McKee to the train which left about one o'clock, to go to his home in Jackson. After this firing we considered it best for him to remain there that night, thinking something might happen to him.

Q. Did you look out to see who did this firing; or did you make any examination?—A. No; we did not think it was safe to do so.

Q. Was anybody ever arrested for it, or punished?—A. No, sir.

Q. You do not know who committed it?—A. No; I have heard it rumored, of course, but know nothing about it.

Q. That is mere report?—A. That is all.

Q. Did you ever hold any republican meetings after that, in the county?—A. No, sir.

Q. Did you make any effort to do it?—A. No, sir.

Q. Why not?—A. We were afraid they would be broken up in the same manner as the other. We did not think it necessary, and did not think it would be of any use to do it.

Q. What was the vote at the last election there?—A. The vote for the Hayes electors was thirteen; for the Tilden electors the vote was fourteen hundred and seventy-three.

Q. Have you got it figured out as to how many did not vote that were registered?—A. Yes, the registration was 3,300 and there were 1,486 that voted.

Q. Did the whites appear to take an interest in the election, as far as you observed?—A. Yes, sir; they very generally voted, I think.

Q. What was the colored vote generally in that county, as far as you know—is it republican or democratic—I mean are the colored people democrats or republicans?—A. They are republicans. I do not think

there are any number of democratic voters among the colored people in Madison County; that is, colored people, I mean, who will vote the straight democratic ticket, with the intention to do so or with the desire to do so.

Q. From the condition of things in the county did you consider it possible to hold a fair election in that county during the last campaign?—A. Well, I do not think we could have made a canvass of that county without a great deal of trouble.

Q. Do you mean without danger of loss of life?—A. I do. I think we would have trouble if we attempted to make a canvass in that county.

Q. Were the democrats pretty well organized in that county?—A. Yes.

Q. Did they hold political meetings or did their clubs do so?—A. Yes. I never attended any of their meetings, but they were holding them all the time, two or three times a week.

Q. At what place?—A. Not all at our place but they held one very large meeting at our place.

Q. They held meetings, you mean, all around the county?—A. Yes, there was a great deal of enthusiasm among their people; more than among our people.

By Mr. SINGLETON, (representing Mr. Kernan:)

Q. Are you a Federal office-holder?—A. Yes.

Q. What office do you hold?—A. Postmaster.

Q. How long have you held that office?—A. Four years.

Q. What other office have you held in the county of Madison since you have been there?—A. I was once cotton-weigher, appointed by Governor Alcorn, and at another time was a member of the city council. I never have been a candidate for any elective position by the people, since I have been a resident of Madison County.

Q. You say there was no disturbance in Madison County in 1875?—A. No, sir.

Q. Do you know of a single human being that was intimidated by threats or by violence, in the year 1875, in the county of Madison?—A. No, I do not.

Q. In the compromise referred to in your testimony, was it not understood that the proposition came from the republican party?—A. It was stated that a leading member of the republican party, in a conversation with a democrat, had made the proposition for a compromise.

Q. That was a friendly compromise between the parties?—A. Yes.

Q. Was it carried out in good faith?—A. Yes, sir.

Q. Were the members of Congress and the State democratic officers embraced in that compromise?—A. No, sir; there was a contest by both parties over the candidates for those positions.

Q. What majority did you say the county was carried by, for the republican member of Congress that year?—A. About seven hundred.

Q. Was it a full, free, and fair election?—A. Well, it was; so far as my knowledge extends, it was a fair election.

Q. Eighteen hundred and seventy-five, I am speaking of now. Is that the year you refer to?—A. Yes, sir; I think there was a pretty full vote polled at that election.

Q. Had any difficulties occurred in the county of Madison between the parties up to the time of the compromise?—A. No, sir; we had no difficulty. I will say this much in that connection, that the management of affairs in Madison County by the republican county officers had given general satisfaction to the people of the county, and there had

been less political excitement prevailing in that county than almost any other in the State of Mississippi; owing to that fact, I think.

Q. Do you not know the fact that Captain Ross as sheriff, that Pingree as circuit clerk, and Mr. Jeffrey as chancery clerk, had made themselves very popular with the democratic party, and were commended for their good management in their offices?—A. Yes, sir; it was generally spoken of by the people of the county that they were good officers.

Q. There seemed to be no prejudice in the public mind against any of these officers?—A. None whatever that I ever heard of.

Q. On the compromise ticket, how many white men and how many colored men were run?—A. There was a colored man for coroner and ranger. There was a colored man for member of the lower house of the legislature. There were two members of the board of supervisors, and one or two justices of the peace who were colored men.

Q. Did the democrats support these colored men for the several offices under this compromise?—A. Yes, sir; so far as I heard of, they did.

Q. Is it not a fact, that after the year 1868, when the "constitution" question was up, there was very little organization in the democratic party, until the year 1875?—A. Well, it was not so well organized as it was during the years 1875 and 1876.

Q. Was it not a fact that several of the elections went by default—without an opposition ticket?—A. Without opposition so far as the county officers were concerned.

Q. Is it not true that in 1873 the democrats took very little interest in the election as between Alcorn and Ames?—A. Yes; the smallest vote ever polled was that year—four hundred and one votes for the whole county.

Q. So that there was no thorough organization that year of the democratic party?—A. No, sir; they did not seem to care whether Ames or Alcorn was elected. I think, generally, they rather favored Governor Ames, but did not care to vote for him, on account of his being on the republican ticket.

Q. So that in the election of 1875 you can make no complaint against those democrats of Madison County as to unfair dealing, or intimidation, against the colored people?—A. Well, I never myself saw any act of intimidation during that year in Madison County, as I said, before the compromise entered into——

Q. Has there not been in the county of Madison, ever since the surrender, a better state of feeling between the parties, and less trouble, than in almost any county that you know of?—A. Yes. I will state, in this connection, this fact, that I think there are among the democratic party in Madison County more reasonable and just men than in any other county in the State of Mississippi. I believe that to be a fact.

Q. Let us come now to the year 1876. You say that the colored people of the county—the republicans—had been advised not to register.—A. Yes, sir; by somebody.

Q. Members of your own party?—A. Yes.

Q. You advised them to the contrary?—A. Yes; as soon as I heard of it I wrote to them. I was in New York at that time. I wrote, telling them that that course was wrong, and that they must register or they would not be allowed to vote.

Q. Then, in the first registration that took place, when they were going around from precinct to precinct, the colored voters did not register their full strength?—A. No.

Q. They only got 100 majority, I think you said, over the whites, when the registration closed?—A. Yes, sir.

Q. Under our law the registration was to be continued before the election for how many days?—A. Five days.

Q. At the county-seat, Canton?—A. Yes.

Q. Are you familiar with the registration law as it passed our legislature?—A. I am not, sir.

Q. Have you ever examined its provisions in reference to what showing is necessary to be made in order to be entitled to register at the county-seat?—A. No, sir; I never read it.

Q. Will you undertake to say that questions were asked the voters on the day of registration there, such as were not authorized by law?—A. Well, I cannot answer that question, because I am not familiar with the law. I have stated in my other testimony what questions were asked them.

Q. Were not the same questions put to white and colored people as they came up to vote?—A. I cannot say as to that. I was not present except on one occasion, when I went to register myself.

Q. Then what you have stated is only from information derived from others, and not from your own knowledge?—A. From what the parties who registered told me themselves, that they had been asked these questions.

Q. You did not hear those questions asked yourself about the township, range, &c.?—A. No, sir; they came from the parties who had been registered themselves.

Q. Do you not know the fact that before the interrogatories were settled upon, which were to be put to the voters, the matter was referred to some lawyers in the town of Canton?—A. Yes.

Q. And the law examined and their opinion given upon the subject?—A. Yes.

Q. Do you know anything about whether the candidate for Congress at that time was present at that meeting?—A. I understood he was. I do not know.

Q. I mean the democratic candidate.—A. That is the party I mean.

Q. Do you not know the fact that the statute was taken, and that the interrogatories were written out exactly as the statute prescribed, and that that was laid before the registrars and they were advised not to ask any questions except such as were laid down in the list?—A. I only know from general information that those lawyers prepared an opinion with regard to the law, and that it was submitted to the registrars.

Q. Was that satisfactory to Captain Pratt and other republicans there?—A. I understood that it was, sir.

Q. The questions, then, which you think delayed registration were asked, you say, by outsiders?—A. Yes, I think they were not put by the registrars themselves, but by other people who were present there and who asked these questions.

Q. Do you not know this fact, that white voters were asked the same questions as were colored voters, and that not being able to answer as to the district in which they lived, they had to go to the clerk's office and get information on that subject?—A. I do not know that of my own knowledge, but I suppose it was so.

Q. Then, at the first round of the registrar, the colored people did not register in their several beats, because they were advised not to do it?—A. Partially for that reason, and partially for the reason that many of them did not think it was necessary to have new registration papers.

Q. Under the law, is it or not necessary when a party goes to the

town of Canton to register (on the last round) that he shall state the district in which he lives, his locality, in order that he may be prevented from repeating votes? Does not the law require that, and have you not so understood it?—A. I have so understood it, that people must give the supervisors the district in which they reside.

Q. If these interrogatories were not put to the voter, and his district or locality were not ascertained, might there not be room for the repeating of votes?—A. I suppose so, but I suppose if a man wanted to register twice, he would be able to do so whether this question was asked him or not. Colored men are not easily identified, and if they want to register twice, I suppose they could do so.

Q. I understand you to say that the information you have upon the subject of the mode of registration you derived from others, and that you did not personally witness what was going on, and did not know of your own knowledge what occurred?—A. Well, I was up there registering myself for a few moments, and I saw what was going on at that time. The other information I received from the parties who had been up to register. They stated that they had not been able to register on account of these questions being asked them.

Q. Can you name any person who was up there to register and was unable to do so by reason of being asked these questions?—A. No, sir; I cannot remember. They were colored people generally.

Q. Did you see any person turned off while you were up there?—A. I saw them refused.

Q. On what account?—A. On account of their not being able to answer the questions.

Q. The questions that were propounded to them?—A. Yes, sir.

Q. They could not tell what district they lived in?—A. At that time they were asking them these other questions.

Q. Who were asking them these other questions?—A. These people.

Q. Some outsiders?—A. Parties outside there who pretended to be the challenging committee, or something of that kind. I don't know what they were. They were democrats and pretended to be a challenging committee, but there were a great many of them, more than one committee-man of them.

Q. You speak of a meeting at Canton at which General McKee attempted to speak. Do you know that he was advised that day not to speak in a tone of harshness, but to be quiet?—A. No, sir; I do not.

Q. Have you not heard that Captain Rose had so advised him?—A. I think I saw it in the testimony.

Q. You said that General McKee fell. Do you mean to state that he got off his feet at all? I mean when he got off the platform. You said that when he fell they struck him. Do you mean to say that when he had fallen they struck him?—A. He was pushed or crowded off.

Q. Did he alight upon his feet?—A. He didn't fall on his head, or anything of that kind.

Q. The impression left by your testimony seemed to be that he had fallen, and that after he had fallen, and while down, he was struck?—A. No, sir, it was not that; but he was not altogether in an upright position when he was struck.

Q. You say that General McKee reached for his cane when he was called a liar?—A. He was standing on the platform, and Mr. Divine was right in front of him, and the pillar was right near. He got his stick and looked him right in the face.

Q. And General McKee invited Mr. Divine to come up to the front

of the stand and make that charge against him?—A. He told him to come up there and call him a liar.

Q. And Divine started?—A. Yes, sir.

Q. You think he was pushed off. Was he pushed off or did he jump off?—A. He didn't jump off; I am certain of that; I was not more than ten feet behind him, and had my eyes on Mr. Divine and General McKee, watching them to see what was going to happen.

Q. Was there a considerable crowd around?—A. Yes.

Q. You say they commenced to crowd up as soon as the thing occurred?—A. Yes.

Q. Do you say he was pushed off intentionally, or was it by an accident, if he was pushed off?—A. I do not know the man's motives at all. In fact, I did not know the man; I did not see his face. The man's back was to me when he went up to General McKee.

Q. General McKee was prepared with his stick in his hand for the set-to, was he?—A. I don't know what his intentions were about fighting, but he had his stick in his hand when he was looking at Mr. Divine and inviting him to come up there; it was a simple cane.

Q. Do you not know that he said, "If you come up and call me a liar, I will crack your head with this stick?"—A. I did not hear him say that.

Q. Was there any more excitement?—A. No, sir.

Q. The people remained there, you say, and heard speeches afterward?—A. A large number of the audience did.

Q. The colored people?—A. White and colored. They waited to see what was going to turn up. One speech was made by Colonel Luckett and one by Phil. Saunders.

Q. You say Saunders is a democrat?—A. Yes.

Q. Is it not true that he has been voting with the republican party up to this year?—A. Not to my knowledge. I don't think Phil. has voted for a number of years. He passed through the excitement of the canvass for the adoption of the constitution, and was laboring then in the interest of the democratic party that year.

Q. Laboring against the constitution?—A. Yes. He worked for the democratic candidate. Since then I don't think he has taken any part in politics at all, except this last year. He has made a few speeches. I am on friendly terms with Phil., and know him very well. Have had a good deal of business with him.

Q. He is an excellent man, is he not?—A. Yes; I consider him a good man.

Q. And a preacher of the gospel?—A. Yes; he is an industrious, thriving colored man.

Q. You said you didn't think any number of colored people were democrats?—A. No, sir; I don't think they are.

Q. Do you not know that they have a good many of them in the democratic clubs in the county of Madison?—A. Not to my knowledge. There are a few members in each club in Canton—not over fifteen in each club.

Q. Do you know anything about clubs there; whether there are any in clubs at other places?—A. So far as I have been able to ascertain—and I have made inquiries of the colored people as they came to Canton this last fall, especially the members of the county executive committee. I asked them if any numbers of the colored people were joining the democratic clubs, and they said not.

Q. Do you not know, of your own knowledge, that there were in the club at Livingstone and at Madison Station a very considerable number of

colored people who were in uniform, and who were in procession with the democrats whenever they held their meetings?—A. No, sir; I do not know it. I never attended a meeting at either of those places.

Q. Then you don't know whether there are or not?—A. No, sir.

Q. Do you remember the demonstration just before the election when Colonel Lamar spoke in that county?—A. Yes.

Q. Did you not see a number of colored democrats in the procession that day with red shirts on?—A. There were a number, but not a great many.

Q. There were more than twenty, or thirty, or forty, or fifty, were there not?—A. There might have been fifty in the procession.

Q. Do you not know that there were several hundred there?—A. Not in the procession. There were a great many colored people in town that day, and a good many attended the meeting.

Q. But is it not a fact that you saw more than a hundred colored democrats that day with red shirts on?—A. No, sir; I did not see them.

Q. Did you look and see whether there were or not?—A. I saw the procession as it passed the post-office. I did not go to the grounds.

Q. Did you not know the fact, at least from information derived from others, that on the Monday before the election took place there was a democratic procession or meeting at Breckville, or Cook's Shop, or in that neighborhood, and that all the colored people there joined the democratic party there that day?—A. I have heard that there was a meeting at Cook's Shop on the Monday previous to the election, at which a number of clubs came from Yazoo County, composed largely of colored men, and that at that meeting Mr. John Hartrom, a white man, who had been acting with the republican party, made a speech declaring in favor of the democratic party, and after that, a number of colored men joined the club, how many I do not know.

Q. Did you not understand that every man, woman, and child on the hill joined the club that day?—A. No, sir; I did not. I understood that they went up and shook hands with you—if you call that joining the club.

Q. Do you not understand that they came up and asked to have the red ribbons or badge put upon them, and that they did, every one of them, take a badge that day?—A. No, sir; I do not. I never heard of it before.

Q. Were you present on the day that the election took place in 1876—last fall?—A. Yes; at Canton.

Q. Did you hear speeches made there by Mr. John Hardy and the candidate for Congress, and by Major Foote, requesting the colored people to come up and vote?—A. I heard Major Foote speak, and heard the democratic candidate for Congress speak, urging the colored people to come up and vote, saying that they would be allowed to do so.

Q. Do you not remember that the democratic candidate for Congress said to them that if they wanted to go to the polls—though he was not in the habit of walking arm in arm with colored people—yet he would take their arm, and that they could vote as they pleased and nobody should molest them?—A. He did say so.

Q. Do you not know that notwithstanding that, they staid off and would not vote?—A. Yes; those that were there would not vote.

Q. Mr. Handy and Major Foote made speeches to the same effect?—A. I did not hear Mr. Handy's speech. I heard Major Foote.

Q. Was it to the same effect?—A. Yes; he urged them to come up and vote.

Q. Did you hear the speech of Wash. Smith, a colored republican there?—A. No, sir; I did not hear that.

Q. Now was it not a fact that the colored republicans of Madison County refused to vote at the last election?—A. Well, they didn't vote, that is the fact.

Q. Do you know of any reason why they could not have voted on that day if they had chosen? If they wanted to do it was there anything to prevent them, that you know of?—A. Not at Canton, that I saw.

Q. Do you know of anything at any other point?—A. I could not tell about any other portion of the county. I was nowhere but there.

Q. Do you know of any threat or intimidation used to keep them away from the polls?—A. I did not hear of any.

Q. So far as the election of that day was concerned, was it not as full, free, and fair an election as you would wish to witness?—A. I can't say that it was full. On election-day at Canton it was very quiet and peaceable, and I saw no excitement of any kind. There were fewer people than usual about. They were standing in small groups together talking, but there was no unusual excitement. It was quieter than usual owing to the fact that there was no opposition.

Q. You said that on the night that General McKee was knocked down and beaten, after he had been knocked down, and had got into a room, some persons unknown to you came and shot into the house?—A. Yes.

Q. Do you know whether those were white people or colored people, or who they were?—A. I do not know who they were, of my own knowledge.

Q. Do you not know that the citizens of Canton and the country generally condemned most heartily the conduct of whoever was guilty of that shooting on that night? I ask you if it did not meet with general reprobation?—A. There was a general expression of indignation at the outrage—at the shooting into Captain Pratt's room that night—on the part of the whole people of Canton; the settled citizens.

Q. Did you ever hear anybody approve of it?—A. I did not.

Q. Was this the only disturbance that you know of in the county of Madison during the last election?—A. That was the only one that occurred of my knowledge.

By Mr. FISHER, (representing Mr. Teller:)

Q. You stated that this throwing of brick-bats on the awning of Mr. Pratt's room in the evening, (after the disturbance,) and the firing into the building by parties unknown, was very generally and heartily condemned by the better class of citizens in that community?—A. Yes.

Q. Did you ever see this paragraph in the Canton Mail, a democratic paper printed in Canton, Miss., dated October 14, 1876?

Some lawless persons, we do not know who, (and we are glad that we do not know,) about midnight last Saturday night went to the northeast corner of court square and fired several shots into the room of F. B. Pratt, esq., over the post-office. Several parties were in the room at the time, and one of the bullets, after crashing through the weatherboarding and plastering, struck an iron safe. A fragment from this bullet struck Mark Josephs on the cheek, but fortunately did no great injury, though Mr. J. bled profusely. This lawlessness is very properly condemned by all good citizens of our town.

A. Yes, sir; I saw that.

Q. Have you seen any other reference to this paper, made by the Canton Mail, subsequent to this, condemning it?—A. I think so.

Q. Can you state the purport of it?—A. I cannot exactly. I think it has been mentioned since, may be, on one occasion. I cannot remember the purport of it.

Q. Are the officers of your town republican or democratic?—A. They are democratic; the city is democratic.

Q. Is your mayor democratic?—A. Yes, sir.

Q. Do you or do you not know that the mayor has made any effort, any special effort, to ascertain who these parties were and have them arrested and punished?—A. Not to my knowledge.

Q. Have you ever heard of an effort being made in that direction?—A. No, sir.

Q. By any party?—A. No, sir.

Q. Was the circuit court of your district in session at Canton at that time?—A. Yes.

Q. Was any investigation of the affair before the circuit court or the grand jury permitted, that you heard of?—A. We have had no grand jury since that time. At that time the grand jury had adjourned. It was the last day of court, and we have had no grand jury since that time.

Q. Who is this man Weathersby whom, I believe, you said struck General McKee at the court-house meeting?—A. He is the city marshal of Canton.

Mr. SINGLETON. He is not now; he was then.

Q. (By Mr. FISHER.) Was he arrested for making the assault on General McKee, or was anything done with him for making that assault?—A. No, sir.

Q. Did he strike General McKee in the capacity of an officer? Did General McKee make any attack on him to warrant him in striking him?—A. No, sir.

Q. Did you hear any expressions made with reference to General McKee when he was being carried from the court-house to Senator Pratt's room? Was there an expression of this kind used by democrats who were in proximity to the general as he was being carried to the room, "God damn him, he has not got half enough yet," or words to that effect?—A. I did not hear it.

Q. Did you hear of any such expressions being used by any party?—A. I heard people say that it served him right; generally young men.

Q. I want to ask you in reference to the compromises which you spoke of being made in Madison County between the republicans and democrats in 1875. What did you regard your legitimate republican majority in Madison County to be in 1875?

Mr. SINGLETON. I object, as calling for the witness's opinion.

Q. (By Mr. FISHER.) What do you regard your legitimate republican majority in Madison County to have been in 1875, had you had a free and fair election?

Mr. SINGLETON. I again object.

The WITNESS. From fifteen to eighteen hundred.

Q. (By Mr. FISHER.) Yet you say you made a compromise which admitted a number of democrats on your ticket?—A. Yes.

Q. Now I will ask you specifically why that compromise was made.—A. Because the republicans were afraid that the scenes of riot and bloodshed which were taking place in other counties would take place in our county if the canvass was continued and the excitement which was prevailing at that time was increased.

Q. Then there was a considerable degree of excitement in your county at that time?—A. Among all classes of people, white as well as colored people, everybody was excited.

Q. Will you please state the nature of the excitement?—A. A general struggle, or general political contest, on the part of each party, each

striving by every means possible to carry the election, and the excitement grew out of that. The fact that the people were bound to carry the State of Mississippi that fall was the general impression of everybody.

Q. In this striving to carry the county, did both parties resort to the same means? Was there violence apprehended by the republicans from the democratic side if they prosecuted the canvass without the compromise?—A. There was.

Q. If this compromise had not been made, were there good grounds of apprehension of violence in the county?

Mr. SINGLETON. I object to the question as calling for the witness's opinion.

(Question waived.)

Q. (By Mr. FOSTER.) I will ask you directly what the republicans had to fear if this compromise was not made?—A. They had to fear a row.

Q. Created by whom?—A. By the democrats.

Q. What were they proposing to create a row about?—A. That is a pretty long story.

Q. I want the story.—A. That year, in Madison County, the young men in the democratic party were taking a great interest in the canvass, and they were very much excited, and the older portion of the community were fearful that they could not control these young men; that they would get excited, and that from them rows would come—from the young men, not from the older class.

Q. How old are these young men?—A. Well, they are young voters; most of them have grown up since the war. Some of them I do not believe were voters, and some, perhaps, were casting their first vote, or had cast their first vote the year previous.

Q. You say there were apprehensions on the part of the old citizens that they could not control these young men?—A. Yes.

Q. Did the republicans share that apprehension?—A. Yes.

Q. To what extent was this feeling indulged in throughout the county, that the young men would take hold in the county, and that they could not be controlled? Did it extend beyond Canton?—A. Yes, sir; there was a general fear on the part of the colored people throughout the whole county, which was caused mainly by the excitement in the adjoining county—a good deal by the excitement in Yazoo County, which is separated by Big Black River.

Q. Does it adjoin Hinds?—A. Yes; it adjoins Hinds as well. Parties from there were coming into our county, telling of the political troubles there, and that had its effect on the colored people. They were coming to the prominent republicans all the time and telling them that they were very much excited, and that the white people were going to carry the election, and that they were afraid, and that if we did not have troops to go to Canton, they would not be able to vote, or would be afraid to vote the republican ticket. There had been no scenes of violence at that time. In fact, there has never been any riot or demonstration of riot in Madison County with the exception of the McKee affair, but the troubles in other counties caused the feeling to prevail among the people in Madison County that rows would take place there if the political excitement continued.

Q. Did you hear of any political clubs being disbanded in Madison County in 1875 before the election?—A. I don't think there were any.

Q. You do not think there were any disbanded?—A. No, sir. I know of a drum that was put aside. They said that the beating of the drums excited the people.

Q. Excited whom?—A. The democrats.

Q. How did they beat their drums?—A. At night. They said it was exciting the people.

Q. Did they molest anybody by beating the drums?—A. Not that I heard of.

Q. Had they not been in the habit of beating drums in former campaigns there?—A. Yes; there was a general and strong feeling against their beating drums. Why, I don't know; but there was an intense feeling on that subject.

Q. You never heard of that feeling existing in the county before 1875?—A. Not to such an extent. The democrats complained that it frightened the women and the children, and kept them in a continual state of excitement, whenever these clubs beat the drums.

Q. For what purpose did they beat the drums?—A. For calling the clubs together, or whenever they marched.

Q. As any other political party would do that had a band?—A. Yes.

Q. Were there any democratic bands in that county at that time, or have there been since?—A. I don't think there is a democratic band composed of drums and fifes (as our was) in Madison. There is a full brass band in Canton, composed entirely of democrats.

Q. Did you ever hear of any complaints of that band playing, or any other democratic band in that county?—A. No, sir; I think we would have got along very well in Madison County in 1875 if these troubles had not taken place in other counties adjoining. People were constantly coming in, democrats as well as republicans, from those two counties, telling the people what was going on, and that made trouble in our county, or tended to do so more or less.

Q. And you apprehended trouble if you did not make this compromise?—A. Republicans generally did. At the meeting at which the question was submitted to the republicans, whether we should have the compromise or not, I did not cast any vote. That meeting was attended by a full committee, and a large number of the prominent republicans, and it was generally believed that it was the best and wisest course to pursue. They all said they did not like the idea of doing it, but under the circumstances, rather than have any riots or rows or bloodshed, it would be better to compromise. We were getting the county officers and losing two members of the legislature. It was generally thought by republicans there that the lower house of the legislature was gone up any way, and that it would be better, that it would be really a benefit to the colored people, because it would save them trouble of one kind or other, and keep down bad feeling on the part of their employers, if that compromise was entered into. I know that I did not vote upon it at all. There was only one man at the meeting that voted against it, and he was a colored man.

Q. Was it not then a matter of self-preservation to the republicans and the republican party in the county that you should have made that compromise?

Mr. SINGLETON. I object to the question, as calling for the opinion of the witness.

(Question waived.)

Q. (By Mr. FISHER.) I ask you if you ever made a compromise, or if any compromise was ever made, before that time between the republicans and democrats of that county?—A. No.

Q. Did you ever hear of a similar compromise being made in any democratic county in the State of Mississippi?—A. No.

Q. Did you ever hear of a proposition coming from republicans to

democrats in a democratic county to make such a compromise?—A. No.

Q. You say that certain republicans had advised the colored people not to register this year?—A. Yes.

Q. Will you give their reasons, as far as you know them, for giving that advice?—A. The idea, as they told me afterward, was that it would not do, in coming to register; that they would be able to carry the election; consequently they had better sit still and do nothing. That is the idea they told me.

Mr. SINGLETON. I object to the witness giving outside statements, or statements of what other parties said about it.

By Mr. FISHER:

Q. Please state who General McKee is, whether he was a member of Congress from your district.—A. He was formerly a member of Congress from the fourth district of Mississippi, of which Madison County is one of the counties.

Q. How long did he serve in Congress?—A. He served in Congress three terms.

Q. Has he the reputation of being a pretty fair man in his speeches?—A. Yes, sir; I regard him as rather a conservative republican, and have always done so.

Q. Did you ever hear any of his speeches?—A. A good many of them.

Q. What is the general character of them?—A. They are of a conservative nature.

Q. Did you ever hear him say anything inflammatory?—A. No, sir; his speeches were republican. I did not mean to say that they were of a "conservative" nature. They were republican speeches.

Q. Was there any reason to apprehend that he would make anything but a republican speech on this occasion?—A. Not in my mind. I had not thought of anything of the kind. He had been sent there to speak, and I supposed he would deliver his speech. In fact, I did not think there would be any trouble at all. Several persons asked me if there would be any trouble, and I said I thought not. I said the people there had too much sense.

Q. Was General McKee, to your knowledge, advised before the meeting not to make a speech?—A. Not to my knowledge.

Q. Or if he did speak, to speak in very moderate tones?—A. No, sir; I do not know of it.

Q. Nothing of that kind, so far as you know?—A. Not so far as I know.

Q. On your cross-examination you stated, I believe, that the colored men had been urged to vote at the last election?—A. Yes; on the day of election they were urged to come up and vote.

Q. Did it ever require urging heretofore, or prior to 1875, to have them vote the republican ticket?—A. No, sir; they have generally taken a great interest in the election, and they have always come up there and voted.

Q. Always voted?—A. Pretty generally.

Q. Until 1875?—A. Until 1876.

Q. How many republican votes were cast in the county this year?—A. Thirteen.

Q. Did the republicans have a band at this meeting?—A. There was one drum used to call the people around the town to the meeting. A colored man went around the court-house beating a drum.

Q. What became of that drum?—A. Destroyed—cut up.

Q. Do you know who destroyed it?—A. I know who they say destroyed it. I did not see it destroyed.

By Mr. SINGLETON:

Q. Are you stating now what you know yourself, or simply what you heard?—A. I know that the drum was destroyed. The drum belonged in the post-office, in my building, and the hoops were brought back there; nothing else. The head was cut out of it.

By Mr. FISHER:

Q. Is that all you know of your own knowledge?—A. I know that the drum was destroyed, but I did not see the party destroy it.

Q. Do you suppose the republicans destroyed the drum?—A. I do not.

By Mr. SINGLETON:

Q. You were asked if any effort was made to find out the parties that shot into Captain Pratt's room. Do you know whether there was any effort made or not?—A. No, sir; I do not.

Q. They have not been able to find out, to your knowledge, who it was?—A. No, sir.

Q. Would it not be a difficult matter to find out parties who committed these sort of things at night?—A. I think it would be a difficult matter to convict the parties of it.

Q. These things are done in the dark generally?—A. Yes, and by several parties, and I do not think that if their friends knew them they would tell on them.

Q. You say it was the last day of the court, and the grand jury was discharged, and there has been no grand jury since?—A. Yes; that is what I said.

Q. I will ask you to state now whether or not, under the republican rule in Madison County, we have had a board of supervisors consisting of five colored men, and not a white man on it?—A. Yes.

Q. How many of these men who could write his name; was there anybody but Jeff. Jones that could write his name?—A. Yes; I think there were.

Q. Who were they?—A. About three of them.

Q. Which ones, will you please say?—A. Jeff. Jones, Edward Dickinson——

Q. He could not write his name, could he?—A. I have seen it.

Mr. SINGLETON. He was on my plantation for years. I know him well, and I know he could not write his name. That is a matter well known.

The WITNESS. I have seen it. Ben. Harrison could write a letter and so could Jeff. Jones; but beyond that none of the rest of them could.

Q. Do you not recollect that he was not on the board at the beginning?—A. That is so. The first board was composed of one white man and four colored men. The white man afterward resigned and a colored man was elected to fill his position, which made five members of the board of supervisors.

Q. Were they all republicans?—A. Yes.

Q. Elected by republican voters?—A. Yes.

Q. At the last election, (1876,) in a democratic convention, did not the democrats nominate a colored man and elect him to the legislature from that county?—A. Yes.

Q. Was it not the opinion of both parties, white and colored, that in 1875 it would redound to the interest of the people to make a compromise ticket?—A. Yes.

Q. And did they not go into it with good feeling, and with the purpose of avoiding what might be a collision?—A. Yes.

Q. I think you said that no collision had ever occurred in that county?—A. No collision had occurred between the whites and blacks, or between any number of republicans and democrats.

Q. Do you not know that on one occasion or more, in the town of Canton, when a colored man has been arrested for some offense on the streets he has been rescued from the possession of the officers by a colored mob?—A. At one meeting several years ago, held at Canton during the canvass of 1873, the city marshal attempted, for some purpose or other, to arrest a colored man belonging to one of the clubs, and the members of the club prevented him from arresting him. I do not know what the offense was. I think he was making a little louder noise than he ought to make. It caused some excitement at the time, but it was forgotten soon afterward.

Q. Was he taken from the officer?—A. The officer was prevented from arresting him; I do not think the officer really had him in his custody.

Q. Were you present on one occasion when Captain Pratt was making a speech at the east door of the court-house, and a question was propounded to him by Amos Drain, a colored man, and the mob took him in charge and used him up, and the sheriff had to beat the mob off and take him up to the court-house and lock him up?—A. Yes; I remember that occurrence. That was at a meeting at the court-house. I have forgotten who was speaking, but Amos Drain was asking some questions, and the crowd surrounded him, and the sheriff took him away. Amos Drain had formerly been a republican, but at that time I could not say what he was—whether he was a republican or a democrat. He was doubtful. He was doing a good deal of blowing and talking.

Q. I will ask you whether or not Sheriff Ross interposed to save him from the crowd and took him up into the court-house and locked him up to keep him from trouble?—A. Yes.

Q. Had he been a republican before that time?—A. Yes.

Q. Had he been a member of the legislature elected by that party?—A. He had been a member of the constitutional convention. Amos was defeated for the legislature.

Q. But he was elected by the republican party as a member of the constitutional convention?—A. Yes.

Q. What is the proportion of colored men in the county of Madison compared with the number of white men?—A. About three to one.

Q. You spoke of drums beating, and of republicans and democrats (as I think you said) requesting that it should cease?—A. Yes.

Q. I ask you now if it did not become a nuisance by reason of these colored men traveling up and down the roads at night at all sorts of hours, late and early, disturbing the people?—A. That was the complaint, that it was causing excitement and alarm among the people.

Q. Do you not know that you have yourself heard those drums, at pretty much every hour of the night, beating in the neighborhood?—A. I cannot say that I have heard it so much in Canton as, perhaps, they did in the country, because I had control, in a great measure, of such matters in Canton, and would not allow them to do it. They always complained against me that I would not let them do it as much as they wanted to.

Q. Did not leading democrats ask not to have this done?—A. Yes.

Q. And in accordance with their suggestion it was stopped?—A. Yes; we agreed that the drums should not be beaten again. We determined not to give them any cause for complaint on that subject.

Q. I will ask you whether or not in 1875 a compromise was made in the county of Washington between republicans and democrats, and a mixed ticket run and elected from that county that year?—A. I don't know anything about that at all.

Q. Have you heard it?—A. I have seen a statement of the fact in a newspaper, but know nothing about the nature of the compromise at all, except that there was a mixed ticket of some kind.

Q. Are you satisfied in your own mind that the refusal to vote on the part of the colored people of Madison County, at the last election, was owing, in a large measure, to the advice given them by the republicans not to vote?

Mr. FISHER objected to the question as calling for the opinion of the witness.

A. No, sir; I do not think it was. There was not any general understanding among the republicans on that question. We had a meeting of the executive committee of the county at which the proposition was made whether we should continue the contest and do what we could to bring out the votes. A resolution was passed that it should be left to the discretion of the republicans of different sections of the county whether or not they should attempt a canvass and vote. There was no understanding—there was no advice emanating from the committee in our county.

Q. I am speaking about the committee now. What I ask you is this: You said in your answer to an interrogatory put to you, that that advice had been given, and in order to counteract it——A. That advice was, not to register.

Q. Then I ask you whether or not you do not believe that the registration, as well as the voting, was influenced to a considerable extent by the fact that the parties had been advised not to register, and consequently not to vote?—A. More people would have registered at the first meeting had not republicans advised them not to do so; or that it was not necessary to do so. Afterward, the republicans advised them to register at the last session of the board. I know that to be a fact.

Q. Still you do not answer my question whether you are not satisfied that it had the effect to keep the colored people away from the registration, and from the polls—the advice given them by the republicans?—A. It had the effect to keep them from getting registered. What effect it had upon keeping them away from the polls, I do not know myself.

Q. You state that the apprehension of trouble grew out of the fact that difficulties had occurred in other counties, and not from the fact that difficulties had occurred in the county of Maddox, as I understand?—A. No difficulty had occurred at that time in Madison County.

Q. Do you know of any threats made, or anything of that kind?—A. There was a good deal of talk on the part of the democrats in our county, but there were no threats, as far as I knew, of having a row or anything of that kind.

By Mr. FISHER:

Q. I wish to inquire whether, if there had been any very great effort made in Canton to ascertain who these parties were that fired at the building, you would or would not likely have heard of it?—A. I presume I would. I hear almost everything that is going on in Canton, and am on very friendly terms with the people there, all of them, and talked with them all, and know almost everything that is going on there.

Q. What would have been the result of the election in Madison

County, in your opinion, if there had been a free and fair canvass, and a free and fair election in 1876, having your clubs organized as formerly in the various parts of the county, and conducting the campaign as you had been in the habit of conducting it in years past—unmolested?

Mr. SINGLETON. I object to the question as hypothetical.

A. I think we would have carried it by about the usual majority.

By Mr. FOSTER:

Q. What was the usual majority?—A. From fifteen to eighteen hundred.

By Mr. SINGLETON:

Q. But you had no clubs organized?—A. The clubs were not organized, and no general canvass was made.

Q. You made no effort to organize them?—A. No canvass was made by the republicans.

JAMES H. NEVILE sworn and examined.

By Mr. SINGLETON, (representing Mr. Kernan.)

Question. State your place of residence.—Answer. Scooba, Kemper County, Mississippi.

Q. How long have you lived there?—A. I have resided in that county since January, 1875, and in Scooba since July, 1875.

Q. What is your profession?—A. I am a lawyer.

Q. Did you take any active part in the canvass of 1875 in the county of Kemper?—A. Well, yes; I made speeches in different portions of the county.

Q. Will you please state to the committee what was the character of the canvass as it was conducted in Kemper County, in 1875?—A. So far as I could see, it seemed to be very peaceable. Speeches were made by both republicans and democrats. When any appointments had been made I made speeches in the county and the republicans made speeches.

Q. Were they interrupted at all at any of their meetings?—A. I never saw any interruption, nor heard of any that I know of.

Q. Was each party allowed to conduct the canvass according to its own plans?—A. Yes, sir; according to its own ideas.

Q. Were you present on the occasion of the speech made by the candidate for Congress in De Kalb, in the campaign of 1875?—A. Yes; I was present.

Q. Will you please state to the committee the tone of that speech?—A. It was very conservative. He addressed his remarks to the colored people, to their reason, and urged upon them to support the democratic ticket, showing up the extravagance of the administration of the republican party. He called upon them to unite with the democratic party in restoring good government to the state.

Q. What seemed to be the impression made upon the colored people by the speech?—A. Very good. I have heard several speak of it in that way.

Q. Was there any exhortation to anybody to use force or intimidation to carry the election by improper means?—A. No, sir.

Q. Were you present at a barbecue, given at Scooba a short time before the election of 1875?—A. I was.

Q. Who addressed the people on that occasion?—A. Colonel Lamar and General Lowry were the speakers that I heard.

Q. What was the tone of their speeches?—A. Very conservative.

Q. Were they conciliatory?—A. Yes.

(B) 1

Was the Killing of Judge Chisolm by a Mob while under arrest upon a grave criminal charge in Kemper County Mississippi, an Offence against the public justice of the United States, and has the Congress provided for the punishment of the Offence!

Congress has power to make all laws which shall be necessary and proper for carrying into effect the powers vested by the constitution in the government of the United States in (Art. 1, Sec. 8.

The judicial powers of the United States extend to all cases of Law and equity arising under the Constitution and laws of the United States (Art. 3, Sec. 2.

The trial of all crimes (except in cases of impeachment &c) shall be by jury (Same)

No one shall be deprived of Life, Liberty, or Property without due process of law (Art. V. amend.

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In criminal prosecutions the accused shall enjoy the right to a speedy trial xx; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence. (Art. VI, Amend.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel, nor unusual punishments be inflicted (Art. VIII. Amend

These Constitutional provisions are measures of Public Justice and important guarantees of the very highest aim of a republican forms of government, to wit that the citizen shall be ~~protected~~ maintained in his rights to the full protection of his life, liberty, and property before the law, that he shall not be deprived of them without due process of law.

They are guarantees respecting the judicial powers of the United States and restrain within their scope the authority of the States. They were ordained as well for the security of the citizen as for the security of the government.

They vest in Congress a power, and by that power, ~~to Maintain the due course of Public justice~~, Congress can enact laws appropriate to maintain public justice, to enforce the authority of the State and federal Courts to exercise their respective jurisdictions for the protection of the life, liberty and property of the citizen; and for the arrest and punishment of the citizen by due process of law, without impediment by mob violence either to the Courts or the prisoners in custody under their process.

The prisoner has guaranteed to him the due process of law. That process is his right. The due course of justice is also his right, and while the course of justice is in progress he has a Constitutional immunity from mob violence, of the highest order under that Constitution of which one of the noblest objects was to "establish justice" (Preamble to Const.) And most certainly authority to maintain justice was not omitted from our magna charta.

Apply these principles to the Chisolm case.

An affidavit was made in due form by one George

Covert before a Justice of the Peace in and for Kemper County Mississippi, charging that W. W. Chisolm and others were accessary to the murder of one John W. Gully. The Justice of the Peace thereupon issued a warrant directed to the Sheriff or any Constable of the County for the arrest of Chisolm, which warrant the Sheriff duly executed by arresting him and placing him in custody in the County jail.

The affidavit and arrest were the first steps of a Criminal prosecution. They were "process of law" within the meaning of the U.S. Constitution, and they at once vested in the accused the right to other processes of law in the due course of justice, to wit: a hearing before a Magistrate upon the charge, and to a discharge from arrest if the evidence to be adduced was not sufficient; or, if committed, the right to an indictment by the grand Jury; and if a bill were found by that body, the right to a speedy public trial by a Compul jury and to be there confronted by the State witnesses, & cross-

examine them to impeach their testimony if he could, to have witnesses for his defence by State process, and to have Counsel to defend him. These are the processes of law that the Constitution guaranteed to Judge Christian. The State could not have deprived him of the right to have them exercised in his behalf; Congress has legislated by penalty writs of error applicable to such cases. If the State could not deprive a prisoner of the constitutional right to defend himself by due process of law either directly or indirectly- can it be possible that a Mob can!! And can it be possible that Congress cannot provide against such deprivation by enacting laws for the punishment of Mobs that interfere with judicial proceedings in a State Court!

I believe that Congress has the necessary authority to do so under the Constitution. And now comes the question, do the Statutes contain a law applicable to the case?

Section 5407 U.S. Revised Statutes (Crimes) provides

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"If two or more persons ××× conspire for the purpose
"of impeding, hindering, obstructing, or defeating in any
"manner the due course of justice ××× with intent to
"deny to any citizen the equal protection of the laws, each
"of such persons shall be punished" (by fine or imprisonment or both)
And Section 5519 provides that:

"If two or more persons ×× conspire for the purpose of
"depriving either directly or indirectly any person of
"the equal protection of the laws, or of equal privileges or
"immunities under the laws; or for the purpose of pre-
"venting the legally constituted authorities of the State"
(e.g. the courts, judges, magistrates, sheriffs, juries, &c. &c.)
"from giving or securing to all persons within the State"
(This would certainly more strongly include persons within the custody of
the legally constituted authorities) "the equal protection of the laws,
"each of such persons shall be punished" &c. &c.

While in the custody of the legally constituted authority
of the State, a mob in pursuance of a conspiracy to obstruct
impede hinder and defeat the due course of justice, and with

the intent to deny to Judge Chisolm who was then and there in custody of the law and charged with the crime of being accessary to a murder, the protection of the law and his privilege to a hearing before a Magistrate of the County of Kemper in order to defend himself against the said charge of being accessary to a murder - did shoot at with guns (&c) loaded with powder, bullets of lead and buck shot and inflicted, mortally did wound the said Chisolm of which wounds so ~ thereafter to wit - - -

in the custody of said sheriffs and entitled to the protection that the law affords to persons charged with the crime of being accessory to a murder) the protection of the law, and did then and there in pursuance of said conspiracy with guns loaded with powder and bullets of lead and buck shot shoot into said jail and did mortally wound the said Chisolm, against the power, remonstrances, and resistance of said sheriffs, and against the peace of the State and power and dignity of the U.S. &c &c.

I think something of this sort is within the Statute, if it be not held that these laws were intended to apply to the enforcement of the recent Amendments of the Constitution. and to them only. But why should a Court be limited to such a construction - when by such a limit the laws could not be shown to have any application to these Amendments.

I think the proper mode of construction would be to look first - at the authority granted to Congress by the Constitution, and then to the laws enacted and

measure the constitutionality of the law by the Constitutional power to make it. If that power is not found in one part of the Instrument and in another part of the Instrument does convey the power, the Court should hold the law valid. The Congress, in the mind of the Court, may aim to give effect to one part of Instrument by laws, and their scope effort may, in the opinion of the court, exceed the bounds of their power in that direction; but that part of the statute, if beyond such boundary and within the boundary of the power of Congress under another section of the Constitution is undoubtedly a law within the power of Congressional enactments and who shall say that Congress did not intend it to be a law!

It is often found that laws have a broader scope than was at first contemplated but they are not the less valid. The Courts must enforce them however broad, and the only remedy is by repeal. Hence I would say that although perhaps these laws originally were

connected in the minds of Congress with certain parts of the Constitution, it is no valid objection that they are appropriate to carry into effect other parts of the Instrument. Since Congress has not only authority to carry into effect all parts of it that should be enforced by legislation, but it is the duty of Congress to do so - one of the very highest duty - the noblest prerogative I would say, where the case is one to carry into effect the establishment and maintainance of Justice.

Another point is this. These laws were reenacted by the adoption of the revised Statutes. They do not therein refer by name to any Article of the Constitution.

The whole question therefore is: Has Congress the right to legislate for the Maintainance of Public Justice and to punish violent interference with the due course of State Justice in a State, and can any legislation be found in the U.S. Statutes appropriate thereto? I think Congress had the right and has legislated in pursuance thereto

26 1/2

I know that the U.S. Courts have been delicate in their application of these Statutes, having in view the 14th & 15th Constitutional amendments Judges as well as other men have breathed the atmosphere of State Rights, have heard the cry of "State Rights" and "Sovereignty" so long that it suggests to their minds a sort of prejudice akin to idolatrous veneration of men for false creeds, blinding them to the extent of their binding effects. Where a doubt arises as to how the balance of State and Federal power hangs the doubt is almost always decided in favor of the Sovereign State.

If such a doubt then be in this case perhaps the diabolical and infernal character of the brutal ruffians who committed the Christian Massacre, may cause a spirit of righteous indignation to assert itself so strongly in the hearts of Judges - who after all are but men, that - the sword of Justice may leap from the scabbard and tip the scales in which United States Authority has been so often weighed and found wanting.

F. Brannigan

262/

The Judge Chisolm Murder Case
— Southern Miss —
Strictly Confidential

(1)

Aug 8. 1877

Letter of Atty Genl
To
Luke Lea Esqr
U S Attorney
Jackson Miss

Filed in Special box

Strictly confidential

99.

Department of Justice,

Washington, Aug. 8, 1877.

Luke Lea, Esq.,
U. S. Attorney,
Jackson, Miss.

Sir,

I have carefully read the report of the investigation made by Mr. Chase and yourself in reference to the barbarous murder of Judge Chisolm, Gilmer and others in Kemper County, Miss.

I had hoped that some action would be taken by the State authorities in consequence of the violation of peace and order attendant upon this horrible transaction.

As time, however, passes on, and

no action is taken, or is apparently about to be taken, by them in regard to the matter, it becomes necessary for the United States to do that which is proper for the protection of parties who were witnesses in its own courts.

That one purpose of this transaction was to prevent Chisolm and Gilmer from appearing as witnesses in cases in which the United States were a party, and in which the murderers (or a portion of them) were defendants, I think is tolerably clear.

These facts appear: first, that the parties most active in the murder were parties indicted in the United States courts; second, that they had been

indicted upon the testimony of Chisolm and Gilmer, and that their cases were to be tried in May, at which trial these men (who were murdered in April) were expected to appear as very important witnesses for the Government; third, that there was no other apparent cause of quarrel except that these men were to be such witnesses, and that their arrests were clearly pretences, there being no evidence whatever that they were guilty of the crimes with which they were charged.

Upon this evidence, it seems to me that an indictment may be maintained, either under section 5399 of the Revised Statutes, which punishes "every person

who corruptly, or by threats or force, endeavors to influence, intimidate, or impede any witness in the discharge of his duty, or corruptly, or by threats or force, obstructs or impedes, or endeavors to obstruct or impede, the due administration of justice in any court of the United States," or under section 5406, which provides, "that if two or more persons conspire to deter by force, intimidation or threat, any party or witness in any court of the United States from attending such court," etc, they shall be liable to the penalties prescribed therein.

Taking into view the evident conspiracy, an indictment might be framed against the parties implicated

in this transaction which would include both charges, or two indictments might be framed, the one under section 5399 against each individual, and the other under section 5406 against all, upon the ground of conspiracy

It is desirable that these cases be prosecuted with great care, and that every endeavor be made to punish those who have conducted themselves towards witnesses on behalf of the United States in the manner which appears by the report. In pointing out the grounds for believing that one of the objects to be attained by the murderers was to prevent the parties killed from appearing as witnesses against them, I have

alluded only to the main facts, and left minor ones which tend in the same direction.

Whether you should now proceed by a complaint before a commissioner, or whether you should postpone the matter until the Grand Jury is in session, and then lay the whole case before it, is a subject upon which I desire your advice, by which I shall be guided. If you have a commissioner of sufficient firmness, who, if the necessary proof can be made that one purpose of this transaction was to prevent the murdered parties from being witnesses, would bind them over by a sufficient recognizance, it might perhaps be desirable to proceed at once

before him. If this is not the case, or if for any other reason you think it better, the matter may be postponed until the session of the Grand Jury.

As I desire that every proper effort should be made to bring the parties whom the evidence tends to implicate to justice, if they are actually guilty, it may perhaps be desirable that you should be assisted by associate counsel. You are therefore authorized by this letter to consult with Gen. George C. McKee, on whose ability I have much reliance from the information received by me, and, if he is disposed to take part in a vigorous prosecution of these cases, you may engage

him so to do, provided, however, that it shall be understood that the compensation to be given to him for all services rendered in the matter shall not exceed the sum of one thousand dollars.

Very respectfully
Chas. Stevens
Attorney General.

N. Miss
Nov 4

W Lucas

1882

Election in Miss
instructions as to
his duties. to

Office of

United States Marshal

Northern District of Mississippi.

J. L. MORPHIS, Marshal.

Oxford, Miss, Oct 31st 1882

Hon B. H. Brewster
Atty Gen'l U. S.
Washington D. C.

Sir:

I have the honor to acknowledge the receipt of printed instructions of the 24th inst. in regard to my duties at the approaching Congressional election, And the same shall have my undivided attention, As I think every preparation has been made by the Bourbons to stuff the ballot boxes if possible, though I shall make it my business to see that everything is done, with the means at my command to prevent frauds upon the election franchise.

Very Respectfully
Your Obedient Servant
J. L. Morphis
U. S. Marshal
Nor. Dist. of Miss

"Oxford Falcon"
Nov. 2, 1882

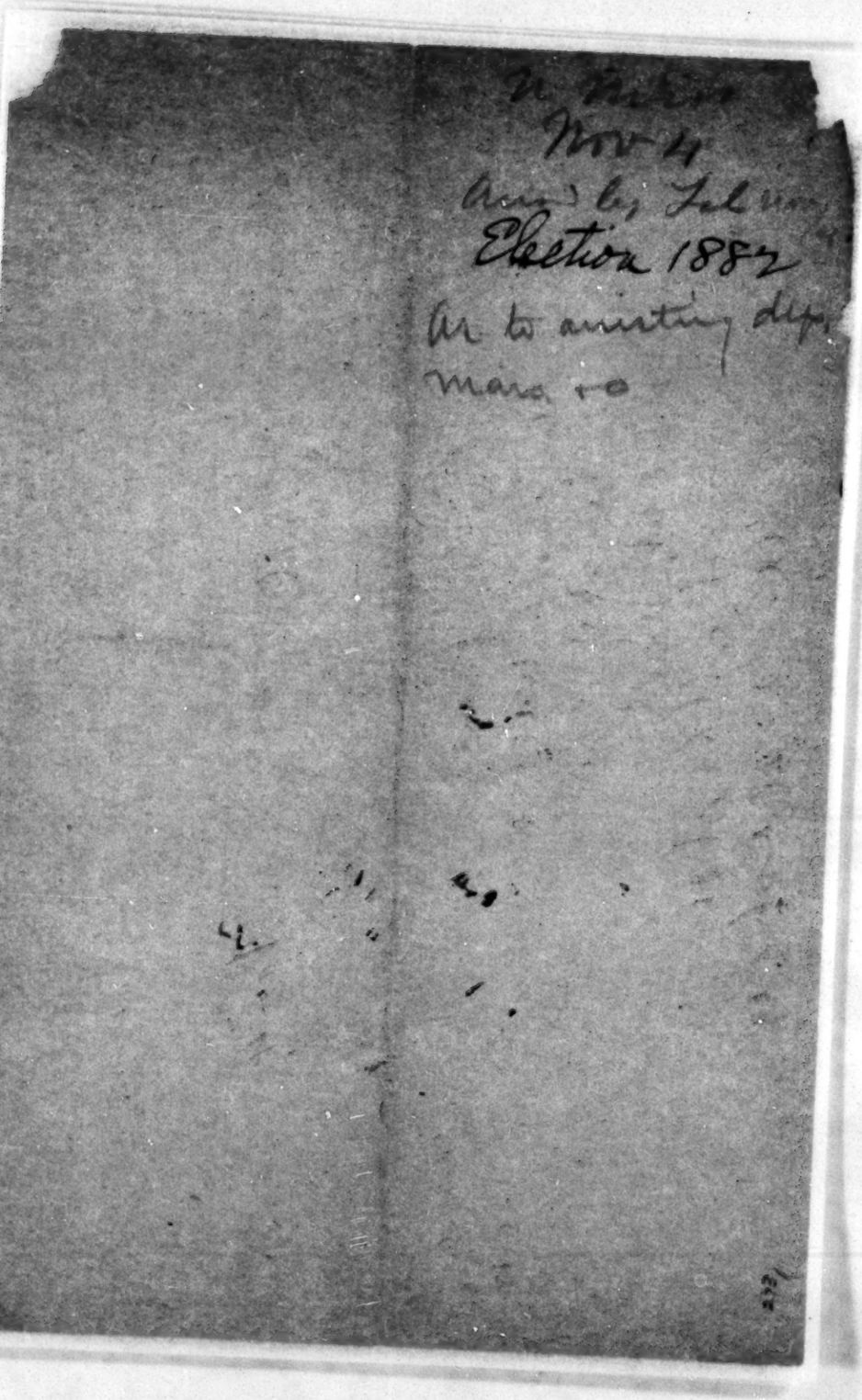
272

U. S. MARSHAL AND DEPUTIES.

A Synopsis of Judge Hill's Opinion.

Judge Hill delivered an opinion this morning upon a question mutually submitted to him on yesterday by the county election commissioners, and Marshal Morphis, in which it is held that the powers, and duties, conferred and imposed by section 2022 of the Revised statutes upon the Marshal and his deputies, relate only to towns, and cities of twenty thousand inhabitants; but that under section 788 of the Revised statutes of the United States, the same powers are conferred, and duties imposed upon the Marshal and his deputies to enforce the laws of the United States that are conferred by the laws of the State, upon Sheriff's and their deputies, to keep the peace, and enforce the laws of the State. That Congressional elections though held by officers under the laws of the State, are subjected to the laws of Congress, and that the Marshal and his regular deputies, have a right, to be present and keep the peace, at such elections, or the registration of voters, for the same, and to arrest persons who may in their presence, violate such laws of Congress, or any other laws of the United States

ELECTION SUPERVISORS.


Nov 14
Election 1882

No. 2

THE WESTERN UNION TELEGRAPH COMPANY.

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This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY		CHECK
14 C	Ms	Ma	123 Collect	GR

Received at Corcoran Building, S. E. cor. 15th & "F" Sts., Washington, D. C. 2 6d

Dated Oxford Miss Nov 4 1882.

To Hon B H Brewster Atty Gen'l W D C

Sir I acknowledge receipt of instructions by letter on the thirty first ult. Your instructions of the third by telegraph also received. Judge Hill had given an opinion that the marshal had no power to appoint special deputies at the polls

No. 1.

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THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK

Received at Corcoran Building, S. E. Cor. 15th & "F" Sts., Washington, D. C.

Dated 2 of 17 C Nov 4 1882.

To

only in Cities of twenty thousand Inhabitants acting upon this decision I had not appointed any Special deputies will do so now in Judge Chandlers opinion approved by your Can I use the mine at Govt expense? My instructions are too late to

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THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK

Received at Corcoran Building, S. E. Cor. 15th & "F" Sts., Washington, D. C.

Dated 3 of 14 C Nov 4 1882.

To

use the mails: frauds are threatened in every directions. will do everything in my power to execute the law.

your obt servt.

J. L. Morphis

Jno S Marshall

2

N Mexico

Nov 6, 1832

Secretary Navy

Collector Mobile

Dickson & Hall & Co

Return to depot

Rel to instructions as to elections.

Office of

United States Marshal

Northern District of Mississippi.

J. L. MORPHIS, Marshal.

Oxford, Miss, November 6th 1882

Hon. B. H. Brewster
Attorney General U. S.
Washington D. C.

Sir:

Enclosed find copy of instructions given to deputy marshals in accordance with a decision rendered by Judge Hill on the 1st inst. in case referred to him by the county election Commissioners and myself.

I have acted on the instructions from you and have also referred Judge Hill opinion to the deputy marshals.

I also enclose you a circular from Atty. General Catchings approved by Gov. Lowry.

It has just been issued and is evidently intended to be understood one way by the election officers and another by the authorities, if it brings about a conflict of authority.

It is issued upon the heels of the election in answer to your instructions & also in answer to the Chief Supervisor of elections of this district. As the the election will be over before this reaches you I will report the result in a few

Office of

United States Marshal

J. L. MORPHIS, Marshal. Northern District of Mississippi.

Oxford, Miss, ... 188

days, All indications go to show that the ballot boxes will be stuffed and all sorts of outrages perpetrated.

They intend to carry this district & risk the chances of a majority in Congress, for Manning to retain his seat.

I remain

Very respectfully
Your obedient Servant
J. L. Morphis
U. S. Marshal

To U.S. Deputy Marshals.

Judge Hill holds that under Sec. 788 of the Revised Statutes of the U.S. the same powers are conferred & duties imposed upon the Marshal & his Deputies to enforce the laws of the U.S. that are conferred by the laws of the State, upon Sheriffs & their deputies to keep the peace & enforce the laws of the State.

That Congressional elections though held by officers under the laws of the State, are subjected to the laws of Congress & that the Marshal & his regular deputies have a right to be present & keep the peace at such elections, or the registration of voters, for the same, & to arrest persons who may in their presence violate such laws of Congress, or any other laws of the United States.

J. L. Morphis
U.S. Marshal.

JACKSON, MISS., Nov. 4th, 1882.

Robt. Lowry, Governor, etc.:

SIR: I have carefully examined, as requested by you, the Statutes of Mississippi, defining the duties and powers of the officers charged with the conduct of the election to be held on the 7th inst., in connection with the Statutes of the United States, authorizing the appointment of Supervisors of Election.

Chapter 5 of the Code of 1880, contains the law of the State upon the subject, and that law is the sole rule of action to be observed by the State election officers.

The United States Statutes do not assume to repeal or modify in any particular, the law of the State, or to control or direct the conduct of those entrusted with the power of holding the election. The only purpose of the Federal Statutes, is to secure the enforcement of the law of the State. They contain every provision looking to this end and prescribe penalties to be inflicted upon those who violate the election law of the State.

If therefore, the laws of the State, prescribing the mode in which the election shall be conducted, are observed, the sole object of the Federal Statutes has been attained, and the officers of the State will be acquitted of all further responsibility.

The Federal authority is to be exercised in support, and not in disregard of the State authority, from which it follows, that it is auxilliary to that of the State, and not to be invoked so long as those representing the State faithfully execute its laws.

This view of the question is made perfectfully clear from the language of Sec. 2029 of the U. S. Revised Statutes, which defines the powers and duties of Supervisors of Election. It declares that they "shall have no authority to make arrests or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes and the making of a return thereof." From this it is seen that they are mere witnesses of the proceedings of the State officers. They have no power to direct or control the officers of the State or the management of the election in any respect whatsoever, and should they assume such powers, they would be acting wholly without authority.

It is not to be supposed that they will undertake to exercise any powers beyond those mentioned in Sec. 2029, but if they should, the officers should refuse to recognize their authority. Being charged by the laws of the State with the duty of holding the election, they would be derelict in the discharge of their official functions, if they should permit their authority to be usurped, or in any degree curtailed by the unlawful pretensions of any persons whomsoever.

Briefly stated, the law of the State is this: The polls are to be opened at 9 A. M., and closed at 6 P. M. The person claiming the right to vote, must deliver to one of the inspectors, in the presence of the others, the ticket containing the name of the person for whom he desires to vote.

When this is done, the clerks must take down his name, on a separate list to be kept for the purpose of recording the names of voters, and thereupon the inspector, to whom the ticket was delivered, must deposit it in the ballot-box.

As to whether the ticket must be delivered to the inspector before or after the poll-book has been examined to ascertain if the applicant has been registered, the law is silent. It being immaterial, this matter can be regulated by the inspectors.

When the polls are closed, the inspectors must "publicly open the box and number the ballots, at the same time reading aloud the names of the persons voted for, which shall be taken down by the clerk." When the result has been ascertained, the inspectors must prepare and deliver, or cause to be delivered, by twelve o'clock, noon, of the second day after the election, to the commissioners of election, at the court house of the county, a statement of the whole number of votes given for each person. The commissioners thereupon must canvass the returns and declare the result; and within ten days after the election, transmit to the Secretary of State, to be filed in his office, a statement of the whole number of votes given for each candidate.

If necessary from any cause, pending the election and counting the votes, an adjournment may be taken by the inspectors, in which event, the box must be securely closed and locked, so as to prevent the admission of anything into it during the time of adjournment, and must be kept by one of the inspectors and the key by another. The inspector having the box must carefully keep it, and neither unlock or open it himself, permit it to be done, or allow any person to have access to it, during the time of adjournment.

The Supervisors of Election are entitled to be present and witness all the proceedings of the officers holding the election, that is to say, the Inspectors, and every convenience possible should be offered them for that purpose.

When the returns have been made by the Inspectors, their functions and those of the Supervisors of Election, so far as the election is concerned, terminate, and what then remains to be done is to be done by the Commissioners of Election alone.

The duties to be performed by the officers holding the election, are so clearly indicated by the statutes, that it is not perceived how they can find any difficulty in knowing what they are required to do. And inasmuch as by the Act of Congress, the Supervisors have no authority except to be present and witness the election proceedings, I do not see how any conflict can arise between them and the officers of the State. So far from being antagonistic, they should co-operate with each other in enforcing the law of the State, and securing a free and fair election.

In reply to your question as to whether persons registered elsewhere than at the court-house, are validly registered, and entitled to vote, I have to say, that in my opinion their right to vote is too clear to admit of discussion.

Having taken and subscribed the oath, administered by the proper officer, they have complied with all the requirements, both of the law and Constitution, and are entitled to vote: This is aside from any consideration of the propriety of the conduct of the Clerks, who may have taken the registration books from their officers.

Respectfully,

T. C. CATCHINGS,

Attorney-General.

The Commissioners of Election, Inspectors, Clerks and Peace Officers of the State of Mississippi who hold the election on the 7th inst., will execute the laws of the State in accordance with the foregoing opinion and shall be protected in the discharge of their duties.

By the Governor:

H. C. MYERS, Secretary of State.

ROBERT LOWRY.

S Mich
Nov 9
Abs cer Nov 6
Election 1882

OFFICE OF

United States Marshal

SOUTHERN DISTRICT OF MISSISSIPPI.

Jackson, Nov 6th 1882

Hon B H Brewster

Attorney General

Washington D.C.

Sir; I have the honor to acknowledge receipt on 1st of penal copies of Instructions to Marshals & one copy of laws, and today to acknowledge receipt of 50 copies each of Circulars & abstract of laws for distribution among Special Deputy Marshals for Election. I regret that these latter did not reach me sooner, but I will endeavor to have them distributed as far as practicable.

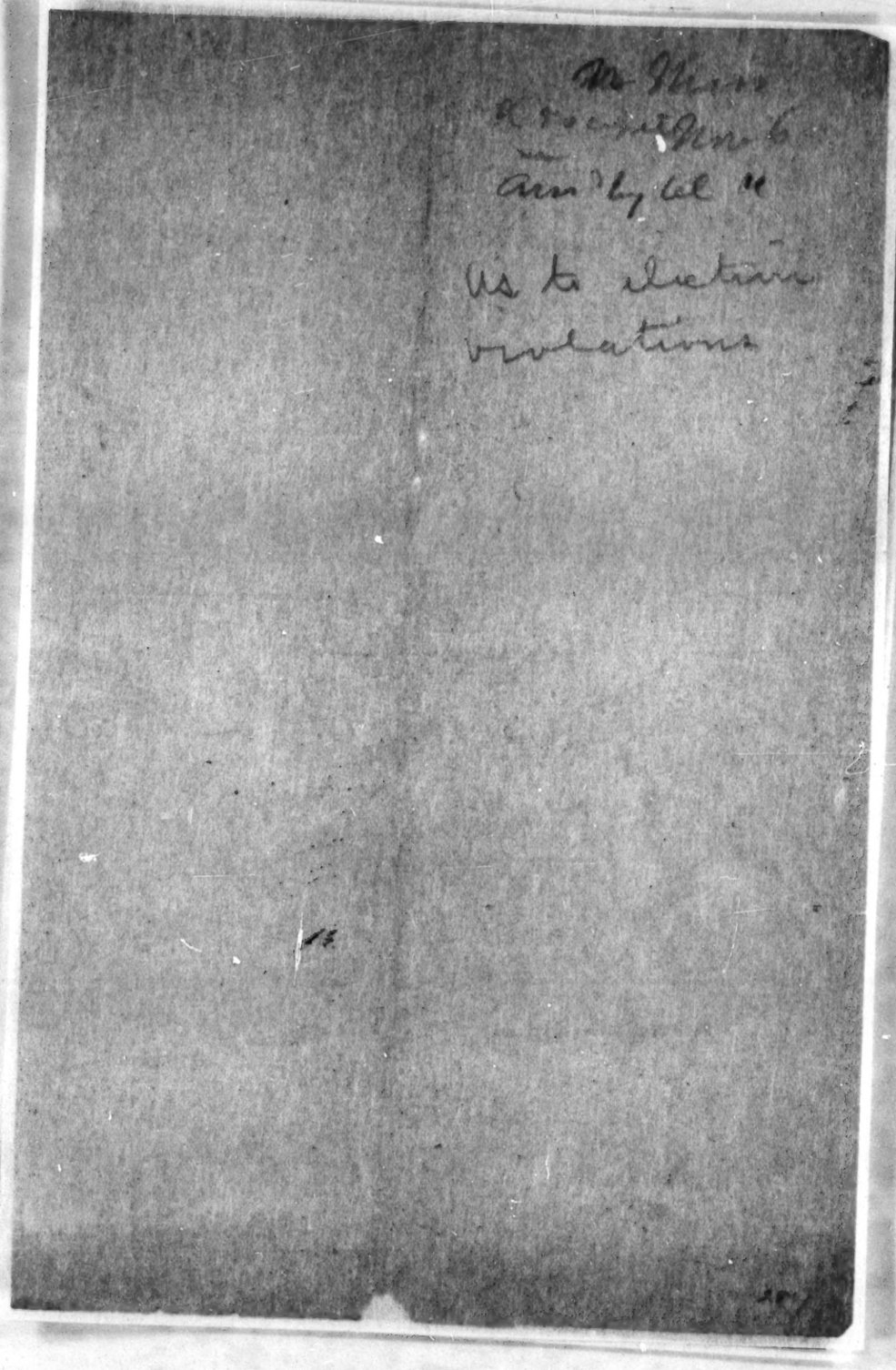
I had already, on consultation with Dist Atty, sent out instructions, which cover very nearly the ground taken in your instructions.

Have the Respectfully

W C Raney

US Marshal So Dist of Miss

201



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THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
74 C	Ms	ma	6 8 Call GR

Received at Corcoran Building, S. E. Cor. 15th & "F" Sts., Washington, D. C. 1130 am Nov 6 1882.

Dated Oxford miss 6

To A H Brewster. Atty Gen'l U S W D C

Sir! Fifty Copies instructions to Marshals rec'd. The Atty General of this State has issued a circular to the voters that will Complicate Matters & will have a tendency to encourage fraud Whether So intended or not. It is approved

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NUMBER	SENT BY	REC'D BY	CHECK

Received at Corcoran Building, S. E. Cor. 15th & "F" Sts., Washington, D. C. Nov 6 1882.

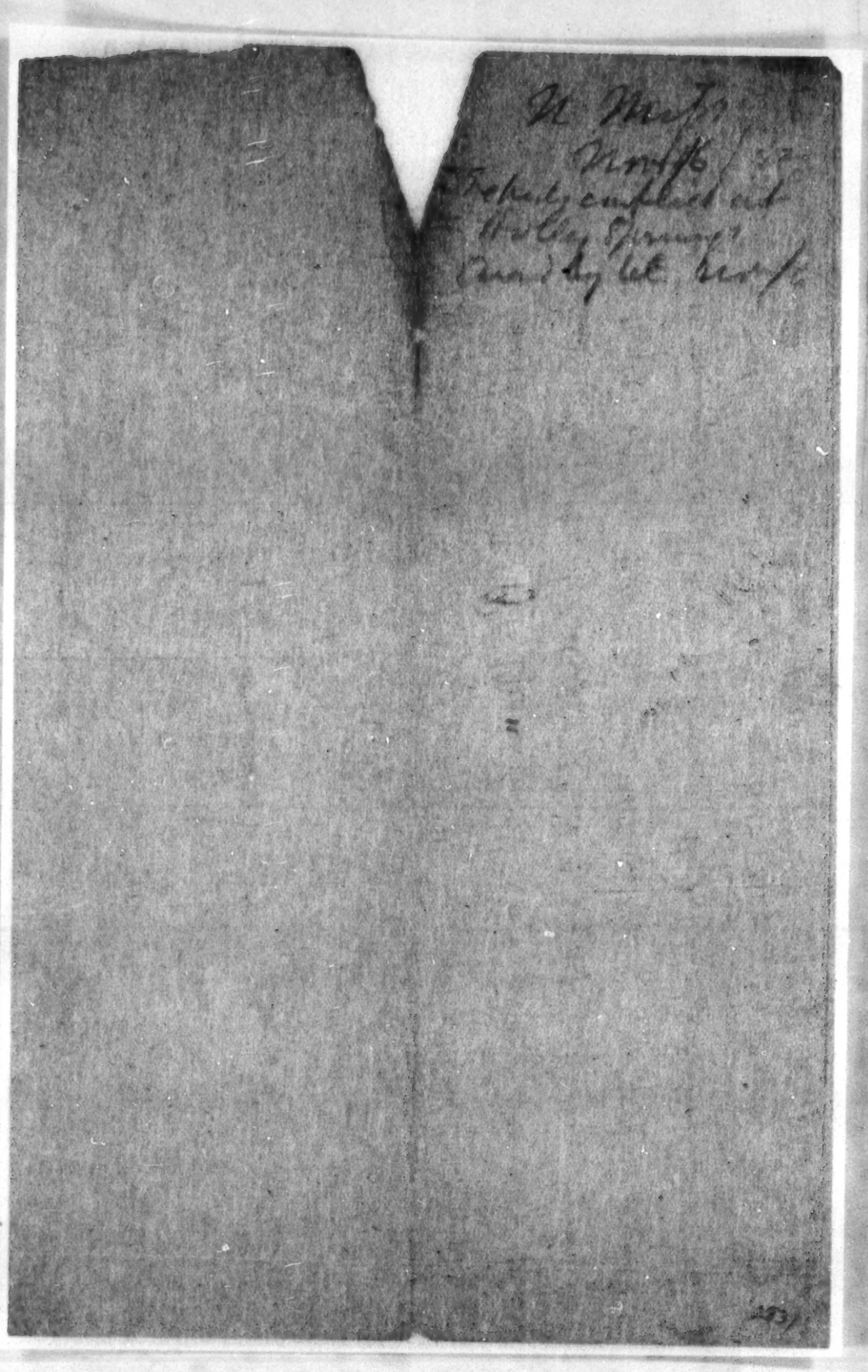
Dated 2 o'clock PM

To

By the Governor, your obedient servant

J. T. Morphis

U.S. Marshal



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THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
42 C4	R	Jo	103 Colbert Govt

Received at Corcoran Building, S. E. Cor. 15th & "F" Sts., Washington, D. C.

2.59 pm Nov 6 1882.

Oxford Miss Nov 6

Hon W H Brewster atty Genl of the U S Washington D C

Sir: Mr H. C Branham who was formerly Chairman of the Congressional Committee for this district stated to one of my deputies this morning that if any deputy U S Marshal attempted to interfere in Holly Springs tomorrow they would make it hot for him Mr Watson present Chairman of the Committee has been active in getting up the catchings circulars it is stated fight over again & a conflict is almost inevitable Holly Springs is Mr Jennings home What course shall I pursue your obedient servant

J. C Morphis U S Marshal

Chairman
Nov 13/ 92
Ans by Col Sec

Miss.

Comm. Dem.
Ex. Com. has
instructed State
Officers to avail
us. Dep. mails.

284

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THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	RECD BY	CHECK
1164	R	Jo	73 Collect Govt

#310

Received at Corcoran Building, S. E. Cor. 15th & "F" Sts., Washington, D. C.

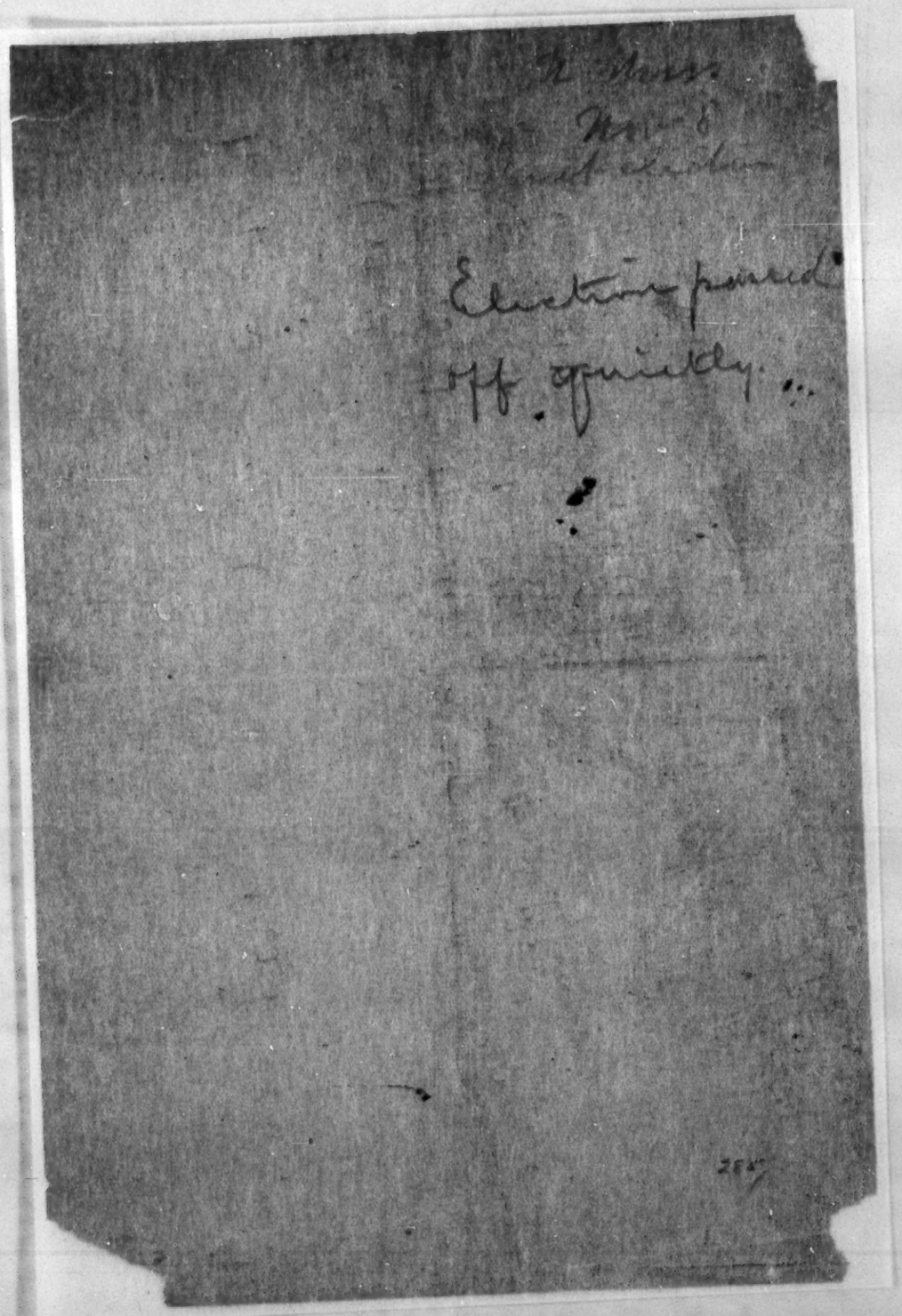
11.25 am Nov 7 1882.

Dated Hernando Miss Nov 7

To Hon Mr Brewster Atty Genl Washn DC

W T Hemmingway State Treasurer and Chairman Democratic executive committee has instructed State Officers to arrest the Deputy marshall appointed by your instructions if they attempt to act what shall we do if we must summons a posse to arrest state officers who attempt to arrest the Deputy marshals send instructions to me here to G M Buchanan Hollyspringe and J L Morphis Oxford we will fight for our rights if necessary

Jas R. Chalmers



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THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
16 C4	R	Jo	60 Collect / Govt

Received at Corcoran Building, S. E. Cor. 15th & "F" Sts., Washington, D. C.

11.53 am Nov 8 1882.

Dated Oxford Miss Nov 8

To Hon B. H. Brewster atty General Washn DC

No Disturbance so far as heard from the quietest election we had in this state for seven years a free ballot and fair count as far as heard from in this town is quiet election as ever witnessed my deputy reports the same in Holly Springs

J. L Morphis
U.S. Marshall